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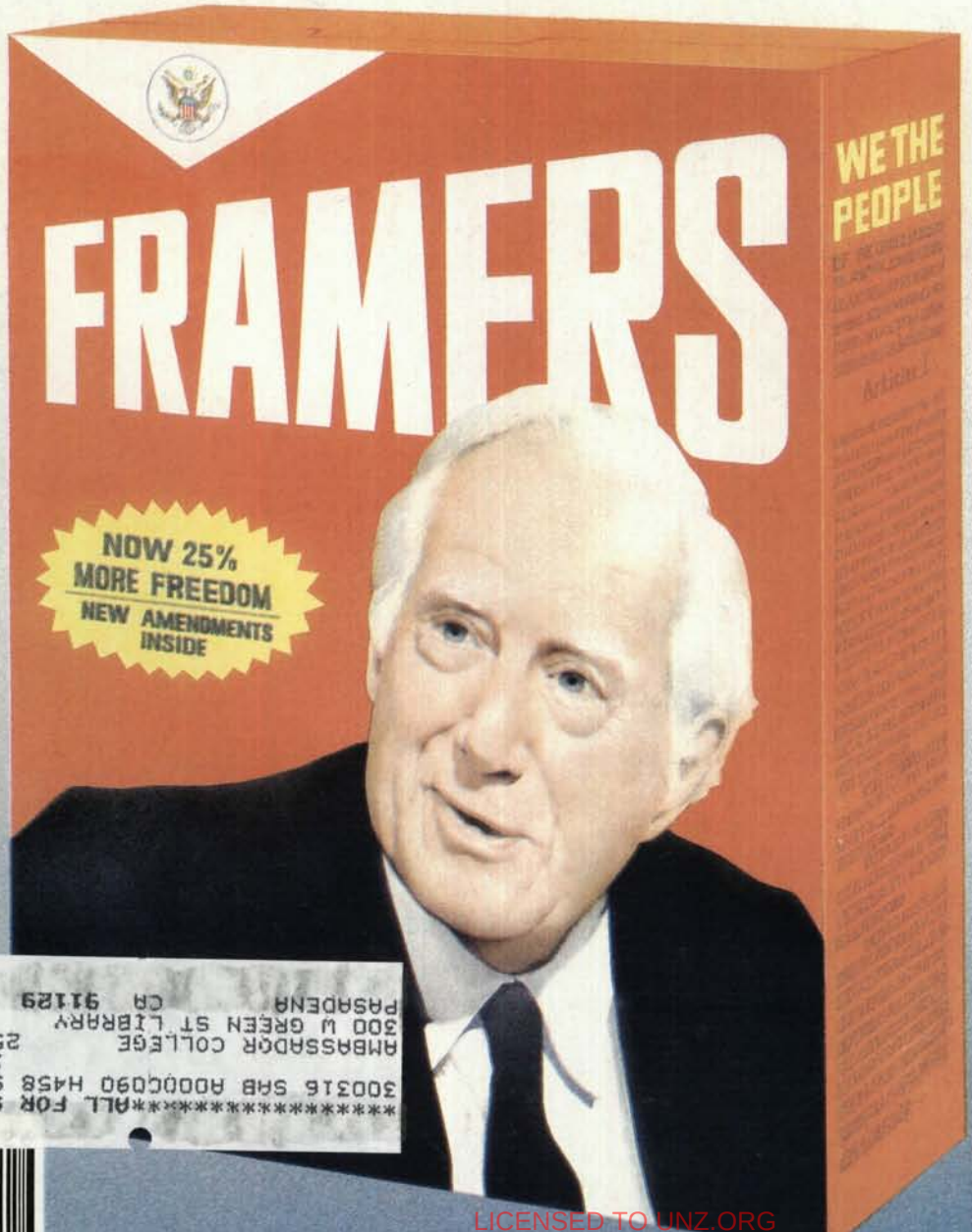

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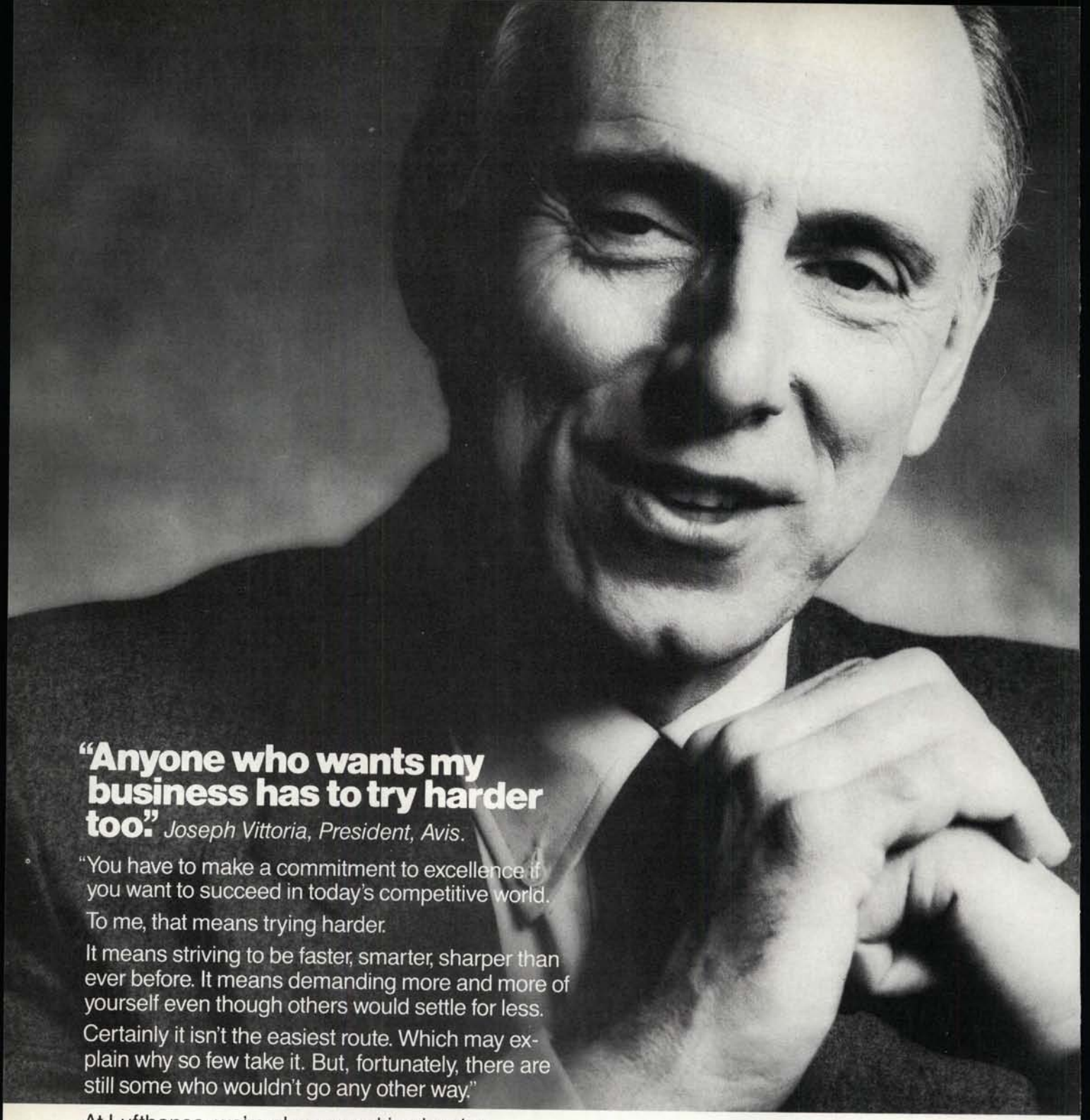

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FOUNDED 1914 — *A Weekly Journal of Opinion* — ISSUE 3,780

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FROM WASHINGTON

TELL ME ANOTHER ONE

Have you heard the one about the new movie called *Jews*? It's the story of a small resort town terrorized by a loan shark.

Now, I think that's pretty funny. And, I'm sorry, I just can't find enough high-mindedness within me to wish that this sort of joke didn't exist.

President Reagan told a good one in Venice the other day. As per usual, he thought the microphone was off. It seems there was this gondolier singing "O Solo Mio" and the Lord wondered what would happen if he lost 25 percent of his brainpower. Result: he sang, "O sole, O sole." So the Lord took away half his brains and he sang, "O so, O so." Finally, the Lord took away all his brains and he sang, "When Irish Eyes Are Smiling." Reagan noted, "See, I can tell that, being Irish."

In fact, it's amazing he got away with it. In other circumstances, it easily could have become a political-life-threatening gaffe. Imagine if George Bush had said it in New Hampshire. Yet there's been no fuss at all. Reagan being Irish had less to do with this than Reagan being Reagan. He has uttered so many boners, faux pas, and non sequiturs over the past seven years that people have become numb and the media have wearied of trying to stir up trouble. In the 1980 campaign he told a joke about a Pole and an Italian at a cock fight. Confronted at a press conference, he explained that he was just illustrating the kind of joke politicians shouldn't tell. Now he doesn't bother to explain because no one asks.

But maybe Reagan's bizarre immunity on matters of this sort will help to set a new standard, and we will be spared episodes like the one in the 1984 campaign when Walter Mondale made Gary Hart apologize repeatedly for making a little joke about New Jersey. After all, it's not as if there's a surfeit of good jokes in the world. We don't need more reasons not to laugh.

Of course it's undeniably true that ethnic jokes affront the brotherhood and sisterhood of all humankind, as well as the individuality of each person. In America, we have a special need to minimize ethnic friction and resentment. But a world of universal and constant respect for these ideals might be hard to live in—and, in any event, is not on the horizon.

There are those, no doubt, who can refrain from telling ethnic jokes. And there may even be some—a much smaller group, and one you probably wouldn't care to share a long cruise or jail term with—who can refrain from laughing at any of them. As for the rest of us, what we need are some etiquette guidelines aimed at providing maximum gaiety with minimum offense. Pending congressional hearings, here are a few suggestions.

Rule 1. As Reagan noted, it's better to tell jokes on your own ethnic group. He's Irish, I'm Jewish. Of course Reagan doesn't really believe that the Irish are inordinately stupid and I don't really believe that Jews are inordinately avaricious. But an ethnic joke told on oneself can become a way of laughing at the stereotype, thereby undermining it, rather than promoting it.

Rule 2. If the joke is about some other ethnic group, a good seat-of-the-pants test is whether you would tell it in the presence of a friend from that group. If you'd be embarrassed to tell the joke in front of your friend, maybe you shouldn't tell it elsewhere. If you don't even have a friend from this particular group, that's an even better signal to stay away.

Rule 3. Jokes about some groups are less offensive than jokes about others. This is a double standard, but a valid one. Black Americans are still everyday victims of oppression and discrimination based on ethnic stereotypes; Italian, Irish, and Jewish Americans far, far less so. Of the common subjects of ethnic jokes, I would rank them in order of legitimate sensitivity as: blacks, Hispanics, Poles, Jews, Italians, Irish, WASPs.

Unfortunately, most WASP jokes just aren't very funny. (From *Truly Tasteless Jokes* by "Blanche Knott": "How can you tell the only WASP in a sauna? He's the one with the *Wall Street Journal* on his lap." Not terribly tasteless.) WASP jokes have a sense of strain, almost a sense of duty about them, not a sense of natural vicious inspiration. Many are actually jokes at the expense of other groups—variations on "What do you get when you mix a WASP and a Puerto Rican?" and so on. This illustrates the unavoidable truth that a good ethnic joke must contain an element of gloating superiority. It can be vestigial, but it must be there. A well-meaning naïf once suggested that we should invent an all-purpose imaginary group to be the butt of ethnic humor. Unfortunately, it wouldn't work.

Rule 4. Jokes about certain alleged traits are more offensive than jokes about others. This has nothing in particular to do with the validity of the stereotype involved. For example, it is not true that certain ethnic groups inherently smell bad and/or attract insects, and jokes based on this premise are pointless and disgusting. On the other hand, a whole genre of jokes has surfaced in recent years based on the equally absurd premise that all Jewish women are frigid (exactly the opposite of the historical stereotype). In that case, it seems to me, the patent falsity of the premise turns it into a harmless convention. Meanwhile, jokes that turn on blacks having curly hair are stupid and offensive even though—or actually because—it's true. Where's the joke?

Of course all ethnic stereotypes are invalid generalizations. But jokes about drunkenness, laziness, greed are more tolerable than jokes about physical characteristics or personal habits. The tough call is stupidity, since (unlike, say, bad table manners) it implies genuine and immutable inferiority, and yet is the basis of probably half of all ethnic jokes, including some good ones. One comfort here is that the literature lacks any clear consensus about which groups are ostensibly dumber than others. Reagan's joke turned on the Irish being dumber than Italians. *Totally Gross Jokes, Volume II* has a similar joke about progressive loss of brainpower whose punch line is "Oh, mama mia!"

Rule 5. If you tell an ethnic joke, make sure it's funny. Most ethnic humor in the recent rash of paperbacks and on those gross-out radio talk shows is witless. Wittiness is important not only for its own sake—to compensate for any offense—but as a test of motive. An unfunny ethnic joke is merely an expression of contempt. A funny one need not be.

Rule 6. If you hear one you think is good, feel free to laugh. Examine your conscience later. It's healthier that way.

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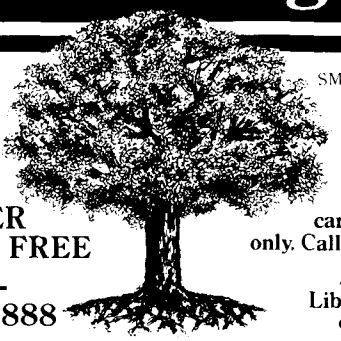

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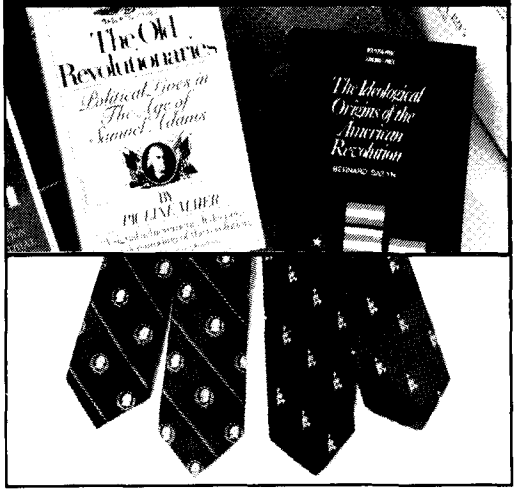
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GORBACHEV'S MAKEUP

To the editors:
In "What Gorbachev Wants" (May 25), Stephen Sestanovich argues that a reform-minded Soviet leader does not have to pursue an aggressive foreign policy, but rather can seek reform at home and moderation abroad. However, the changes in Soviet behavior he cites are cosmetic. True, the Soviets didn't mention their increased aid to Cuba after their visit to Havana, but the aid itself increased. Actions speak louder than words. Andropov's de-emphasis on aid to Third World regimes was consistent with his attempts to portray the United States as militaristic. Why boast about the guns you're sending abroad when you want to look peaceful? Gorbachev is a reformer within the Soviet context. He wants to make the Soviets more efficient and effective, but this is not the same as abandoning the Soviet system or forsaking long-time foreign policy objectives.

WILLIAM E. JONES
La Habra, California

RECASTING THE BUST

To the editors:
What was the purpose of John Jameson's complaints about the Peruvian police, customs authorities, and U.S. State Department officials ("Busted," May 25)? Millions of Americans travel abroad each year. Hundreds of thousands are aided by consuls and vice consuls when they lose passports, are falsely arrested, or need a doctor. But I don't see any articles on what great service our vice consul from East Orange or Seattle provided. Those people are the State Department, not that ugly building in Washington. People get in trouble overseas, and on most occasions the State Department representatives are helpful.

IRWIN RUBENSTEIN
Consul General—Guadalajara
Laredo, Texas

To the editors:
As a U.S. Army lawyer, I spent several years in West Germany dealing with American soldiers and Army civilian employees who faced trial in German courts. I occasionally dealt with State Department representatives whose responsibilities paralleled mine. Although I never encountered circumstances as dire as Mr. Jameson's, his description of the attitudes and actions of these representatives rings true. I concluded that the officials were motivated by two primary concerns: first, a general terror of action of any type; second, an overriding concern with maintaining "good relations" with whichever foreign country they happened to be in. The latter clearly seemed to be a higher priority than looking after the interests of American citizens.

PAUL SOTER
San Francisco, California

RUCKUS OVER SILENT SUBS

To the editors:
Robert English speaks for the worst of the U.S. Navy's bureaucrats when he attacks my book and defends U.S. submarine design in the Rickover era ("Bridge Under Troubled Waters," April 27). That the United States will have to depend on a fleet of shallow-running attack submarines well into the next century in a world of rapidly improving submarine detection speaks ill of American ingenuity and the flexibility of our defense establishment. *Running Critical* is a history from the mouths of the sub builders, the sub drivers, and the politicians who paid the bills. My sources, cited in the text, are among the best minds in the defense establishment.

English's core complaint is that I have trashed the quiet running capabilities of the current American class by asserting the Soviet's excel in two of the three categories of submarine performance: speed, stealth, and depth. He fails to point out that no submarine remains quiet over about 20 miles per hour in underwater speed. Nuclear submarines are noise machines. When he says the Soviet Alpha-class submarine, at flank speed of about 55 mph, can be heard halfway across the ocean, he neglects the fact that our top sub can be easily detected at its more modest top speed of about 35 mph.

Stealth disappears in wartime when our boats must go fast to get on station; when they fire their weapons and thus pinpoint their position; and when they beam sonar energy into the ocean to detect an enemy or fix the range of a target. English's

continued on page 42

John McLaughlin fuels the fire while respected journalists Jack Germond, Morton Kondracke, and Robert Novak provide informative and often explosive opinions.
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THE NEW REPUBLIC
JUNE 29, 1987

THE CONTRAS AFTER IRANAMOK

On this 200th anniversary of the U.S. Constitution, defenders of President Reagan's Nicaragua policy are seriously suggesting that Congress has no power to prevent him from doing whatever he pleases in foreign policy. White House chief of staff Howard Baker, for example, has said that "there is a strong argument" that Congress cannot "limit the president's authority under the Constitution to administer the foreign policy of this country."

This is a profoundly dangerous doctrine that cannot be sustained and that, by being asserted, will destroy whatever comity remains between the executive branch and Congress. It also will destroy Reagan's Nicaragua policy. This is unfortunate because, in spite of all the tawdry means that have been used to promote this policy, aiding the Nicaraguan *contras* is necessary as part of a larger policy to contain communism and foster democracy in Central America. When the Iranamok hearings are over and the guilty are exposed, it's imperative that Congress and the administration come together on a policy that will not undermine U.S. security and condemn the citizens of the region to permanent despotism.

The first step toward that goal is for the administration to move away from its assertion of constitutional immunity from congressional interference. By resorting to covert means in dealing with Nicaragua, the administration headed in the wrong direction almost from the moment it came to office. That was a statement indicating skepticism that our own democratic system was capable of promoting democracy abroad. Now, under pressure, the administration is making matters even worse. It is threatening actually to undermine democracy at home—by claiming the president is beyond the reach of legislative or popular control—in the name of establishing democracy in Central America.

The second step is for the administration to stop lying to Congress and the public about its activities. For example, Assistant Secretary of State Elliott Abrams is now in deep trouble with Senate Intelligence Committee Chairman David Boren, a *contra* supporter, not because he solicited funds from the Sultan of Brunei, but because he deceived Boren's committee about it, apologized later only under duress, and then misled even the joint Iran/*contra* investigating committees in their televised sessions this month by implying that he had apologized willingly. If comity is to be re-established, it must be built on at least a minimum basis of candor.

Clearly Congress does have a role in foreign policy, growing out of its powers to appropriate money, confirm nominations, ratify treaties, and declare war. In making Nicaragua policy, Congress has been utterly inconsistent, adopting at least five different policies over the last six years, ranging from full funding of military aid to the *contras* (the present policy) to a full cutoff of military aid (the policy from October 1984 to September 1985), with variations in between forbidding attempted overthrow of the Sandinistas, providing purely humanitarian assistance to the *contras,* and authorizing intelligence advice. Congress's conduct, not only erratic but evasive, invited some of the contempt it received from the administration, eager as it was to sustain the morale of the *contras* and maintain pressure on the Sandinistas. But instead of dealing straightforwardly with Congress and the people by consistently arguing for the *contras*—and using his veto when funds were cut off—Reagan and his administration worked by deception. Now Congress is having its revenge.

The administration's automatic resort to covert action has had dire effects, too, on the way Nicaragua policy has been managed on the ground. The *contras'* first trainers were agents of the murderous Argentine junta. Then the CIA took over, and the policy continued to be almost exclusively military, with short shrift given to the indispensable political element of the struggle. As a result, when reporters such as James LeMoyne of the *New York Times* and Rod Nordland of *Newsweek* travel with the *contras*, they find them stealing from peasants and kidnapping them for use as "point men" (or mine bait), instead of respecting the rights of those whose support they seek. The *contras* are attacking not headquarters of the Sandinista army but farm cooperatives and power lines, only limiting the support they will get from the populace.

Does this mean the United States should abandon Central America to the Sandinistas and their fellow Communists in neighboring countries? Surely not. That would be no human rights favor to the people of the region, and it would be a geopolitical defeat for the United States. As Wil-

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liam Branigan reported in the *Washington Post* last month, interviews with former detainees and human rights activists in Nicaragua indicate that the Sandinista government "violates the human rights of its citizens on a large scale." Those interviewed charged the government with arbitrary arrests, psychological and physical torture, disappearances, trials by kangaroo court, mysterious deaths of subjects under detention, forcible resettlement of peasants, and aerial bombing of civilians in remote areas. The Sandinistas and their supporters often claim that government repression is a consequence of *contra* policy, but indigenous church, labor, and political activists say that isn't so—that the Sandinistas mean to stifle whatever opposition arises, and would do so just as relentlessly if there were no *contra* threat. Since Sandinista leaders such as Daniel Ortega openly proclaim Marxism-Leninism as their ideology and intention, we are entitled to expect the worst of them: the worst is, after all, precisely what Marxism-Leninism has meant in practice everywhere. The former Democratic governor of Virginia, Chuck Robb, reported last week after a visit to the region, "The Central American presidents with whom I spoke clearly fear the Sandinistas' revolutionary ambitions. . . . Without the counterweight of U.S. power, several leaders told me, their countries won't be able to withstand Sandinista attempts to export their revolution." Robb also noted correctly that a Sandinista victory over the *contras* "would strengthen rightist and militarist forces throughout Central America, who would use the heightened threat of subversion and increased guerrilla activity as an excuse to seize power and forgo badly needed social reform."

For all these reasons, and despite Iranamok, we continue to support U.S. aid to the *contras*. But the other, indispensable parts of a sound Central America policy include large-scale and long-term economic aid to Nicaragua's neigh-

THE ZEITGEIST CHECKLIST

BY CHARLES PAUL FREUND

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1. I CAN SHRED

Iranamok. Phase One of the hearings ended like an old-fashioned movie serial. Interest in the often tedious hearings rose, and not only because of Ms. Hall's shredding and her capacious boots. Hakim's account for Mrs. Bellybutton and his remarks about North's attempts to affect the 1986 election woke people up. With Secord returning and North upcoming, there's a sense of thickening plot after all.

2. PANIC IN THE SHEETS

AIDS. The most interesting development of the big AIDS conference was the minority concern that the press is hyping the story irresponsibly. In fact, this has been an open issue in the European press for months. On the other hand, doctors emerged as a panicked group, with up to a quarter of them ready to refuse AIDS patients. By the way, another group expressing deep concern is porno performers.

3. NO CIGAR

Paul Volcker. Never mind whether Volcker saved the republic. The question became: Did he jump or was he pushed? The single exploitable angle on Greenspan is that he's a Republican. Ergo, supposedly, he may be subject to political influence. Of course Volcker was a Democrat when Carter appointed him, and he didn't succumb.

4. THE WATER'S FINE

Stark aftermath. Howard Baker's suggestion that the Soviets could co-guarantee the Gulf, whether serious or not, has left Washington open-mouthed. Preventing Soviet access to the Gulf had appeared a geopolitical given. Further, there was supposed to be a "Reagan Doctrine" at work. Now the bear seems to have come out of the woods and into both the Gulf and the Mideast peace process.

5. DEBT IN VENICE

Summit. The Venice economic gathering is the most naked example of pseudo-summitry ever; most of humanity's problems have been added to the 48-hour agenda. So transparent is the exercise that it's not even a decent photo-op for "leadership in action." The most noteworthy aspect of coverage is how the Reagans—their diet, their bed, etc.—have become comic figures in the world press.

6. RACE TO THE HOOP

Sports racism. The brouhaha over Larry Bird's abilities, and those of the heavily white Boston Celtics, has exposed something important: the language of sports, especially in broadcasting, is suffused with racism. Common sports idiom has it that whites have to work at sports, succeed with their minds. Blacks are "natural" athletes; thinking plays no role in their success.

7. THE LATE SHOW

Nightline. Ted Koppel's enormous ratings for the Bakker show, the Campanis story, the four-hour AIDS extravaganza, the *Newsweek* cover, his anti-news style, etc., are bringing him to a TV pinnacle not seen since Cronkite: Koppel's treatment of events also establishes an agenda. Even his flabbergasting desire to enter government has made news.

8. YANKEE NO-HOW

Britainization. The Patent Office has noted a huge drop in the number of patents awarded to U.S. citizens, and the administration has expressed alarm. Pride in national ingenuity is basic in the U.S. character, so why this decline? One common criticism of the culture is that real productivity (as opposed to lawyering and debt-creation) is now so little esteemed. Perhaps there's a connection.

9. DISPOSABLE CRISES

Disposables. What Islip Barge? Joining razors and cameras as throwaway items will soon be lamps, irons, wedding gowns, and perhaps even cars and houses. Due to high labor costs, Americans have in fact long regarded many such items as disposable anyway. Yet virtually nowhere in the recent reporting on new throwaways has last month's garbage crisis been noted.

10. OW, THERE'S THE RUB

Sore muscles. The long-sleepy market for muscle rubs, the "Ben-Gay market," has awakened with a vengeance. At least two such rubs have major TV campaigns going, with competition expected to increase. Why? The boomers are aging and beginning to feel it. This is an early sign of something very big.

*Item resurfaces in the Zeitgeist after at least one week's absence.

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bors, conditioned on their agreement to adopt social and political reforms, and a good faith effort to negotiate an "enforceable" settlement with the Sandinistas. But without continued support for the *contras*, there will be nothing to negotiate. Robb's proposal, which we endorse, is a multiyear commitment to *contra* aid—replacing the unreliable dribs and drabs of the past—but with conditions: that the *contras* define a clear political and moral alternative to the Sandinistas, unite their factions under civilian control, make progress toward eliminating human rights abuses, and play a supportive role in negotiations.

Ronald Reagan will be heavily to blame if the Sandinistas consolidate their hold in Nicaragua and if fledgling democracies fail in the rest of Central America. But in January 1989 he will be gone from politics. It will be a vain exercise to point fingers at him for what he let the CIA or Oliver North do. Of course, Congress, and particularly the Democratic leadership, will have to share the blame. If Congress wants responsibility for making foreign policy, here is its chance.

NOTEBOOK

□ POLLS APART:

British Contest Livens

Polls Show Thatcher's Lead Shrinking

—*Washington Post*, June 7

THATCHER KEEPING HER LEAD IN POLLS

—*New York Times*, same day

□ CALLING DOCTOR HOWARD ... The New York State health commissioner has proposed new regulations restricting doctors to 16-hour shifts in hospitals and 12-hour shifts in emergency rooms. This will end the hallowed tradition of medical training in which interns and residents work up to 36 hours straight. It's about time. There's no way patients can get quality care from someone who hasn't slept for three days, and in this era of doctor glut there's no reason they should have to. What's worse, doctors emerge from this pointless hazing ritual brimming with the machismo and self-righteousness that make them so unpleasant to deal with on both the professional and policy-making levels. If the overpaid medical profession can't find some way to staff hospitals with people who are awake—and do so without increasing total health care costs—this will be one more reason for the government to step in and do it for them.

□ SORRY: It is hard to review an ugly book without putting its ugliness into circulation yourself. The critical reception of Joan Peyser's biography of Leonard Bernstein has wound up disseminating a lot of sleazy gossip. We fear that our review last week fell into the same trap. And in advertising "The Secret Life of Leonard Bernstein" on our cover, we collaborated precisely in what we deplored. Unless a man has given the public some legitimate claim upon such knowledge, his "secret life" deserves to remain his secret life. We apologize to our readers, to Mr. Bernstein, and to others inadvertently sideswiped by our review.

WHITE HOUSE WATCH

BAKER'S RECIPE

ON MAY 19 President Reagan and his staff flew aboard Air Force One to Chattanooga, Tennessee, where Reagan was to give a commencement address to eight high school senior classes. Sitting together on the plane were Howard Baker, the White House chief of staff, deputy chief Kenneth Duberstein, and Education Secretary William Bennett. "Well, what's up with you?" Duberstein asked Bennett. "AIDS," Bennett answered. "There he goes again," said Duberstein. Baker laughed. And the Bennett campaign in favor of drastically increased AIDS testing, a policy toward which Baker had no strong feelings, went on, undeterred.

Given Baker's position in the administration, he is a remarkably tolerant man. Conservatives warned when he replaced Donald T. Regan on March 1 that he would attempt to impose his brand of moderate Republicanism on the administration. But on the contrary, Baker hasn't tried to impose any policy direction at all. Nor has he attempted to control policy debates inside the administration, which chiefs of staff are normally inclined to do. Regan was adamant about this, and James A. Baker, Regan's predecessor, was no slouch. They attended as many White House meetings as possible. Regan showed up for routine scheduling sessions and the daily senior staff meeting. Baker skips most of them. Rather than run the White House with a firm hand or a soft hand, he seems to run it with no hands at all. Except on appointments. Reagan is notoriously indifferent to personnel matters, so Baker has taken over. He was almost single-handedly responsible for the nominations of William Webster as CIA director and Alan Greenspan as the new chairman of the Federal Reserve Board. Reagan was merely a rubber stamp.

Baker has stronger views on both policy and political tactics than he lets on in public. He is eager, for example, for Reagan to have a budget summit with Democratic leaders of Congress, out of which might come a grand compromise on taxes and spending. But the president remains opposed, and Baker hasn't pushed him on the issue.

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The interesting contrast here is with James Baker, who prodded Reagan unrelentingly in 1982 until he went along with a large tax increase. In March Howard Baker was highly dubious of Reagan's impromptu trip to Capitol Hill to plead with Republican senators for their support of his highway bill veto. But his objection was lodged mildly and then dropped. He let Reagan be Reagan. Baker also wanted Reagan to invoke the War Powers Act after the Navy frigate *Stark* was attacked in the Persian Gulf by an Iraqi warplane. The president was skeptical, though, and Baker declined to press the matter.

Since Baker became chief of staff on March 1, the noisiest domestic issue, aside from trade, has been AIDS. Rather than silence the public debate among administration officials over how to deal with the AIDS epidemic, Baker let it play itself out in April and May. He set no deadline for resolution of the debate, which concentrated mainly on testing. But when a natural deadline cropped up—Reagan accepted an invitation from Elizabeth Taylor to speak at a fund-raiser for AIDS research—Baker simply moved the president toward a decision. Largely on his own, Reagan decided on routine testing of immigrants and federal prisoners, and on urging states to conduct more testing.

NOT ENTIRELY on his own, however. Bennett and Gary Bauer, who was Bennett's deputy at the Education Department until he became White House domestic policy adviser in February, influenced the president. Of course, when Baker took over the White House staff, those two played no role in setting AIDS policy. It was left to the surgeon general, Dr. C. Everett Koop, and officials of the Department of Health and Human Services. Since they opposed mandatory or routine testing for AIDS and favored the use of condoms as the strongest preventive measure, that was the administration's policy.

Bauer's tactic was to inundate Baker and other White House officials with memos about the AIDS crisis and to discuss AIDS with Reagan at the Monday issues lunches, his one regular session with the president. "Gary made a real pest of himself," says an administration official. Bennett's tactic was to speak out publicly in favor of a tougher stand against AIDS. Baker didn't try to quiet either one. On April 30 both Bauer and Bennett gave speeches on the subject, and both challenged Koop and HHS. "The spread of AIDS and other sexually transmitted diseases did not occur because we failed to encourage our kids to use condoms or because we just weren't 'open-minded' enough in our approach to teaching them about sex," Bauer said, in direct contradiction of Koop. Bennett was more outspoken still. He said there is "a good case to be made" for required testing of hospital patients, of those seeking a marriage license, of prisoners and immigrants, and of those treated at clinics serving "high risk" populations. Again, as the feud deepened, there was no intervention by Baker.

Once Reagan agreed to address the American Foundation for AIDS Research dinner on May 31, a meeting of the Domestic Policy Council was scheduled to take up AIDS. It was held May 26, and Baker didn't attend. Bauer, Bennett, Koop, HHS officials, and a few Cabinet members did attend. They polled themselves on the different aspects of AIDS testing. The next day the Reagan Cabinet convened on the issue. Baker was there, but he let Bauer direct the discussion. Bauer took Reagan down the list of decisions to be made. Should the Center for Disease Control be instructed to conduct a national epidemiological study of AIDS? "Mr. President, everybody's in agreement on this," said Bauer. "Fine," said Reagan. Baker said nothing. On testing immigrants, Secretary of State George Shultz raised an objection, but Bauer said it would be "unconscionable" to have required testing of Americans without testing immigrants. Reagan seemed to agree with that. On testing federal prisoners, Bauer said all were in favor. Reagan nodded.

Next was the touchy issue of what to tell the states. Reagan had already told Governor John Sununu of New Hampshire that he favored testing of couples seeking a marriage license. Dr. Tom Mason, the CDC director, complained that such testing is inefficient, since young couples are a low-risk group, and that those found to have AIDS might lose their jobs or apartments. Bauer countered with a story he'd heard from a Kentucky judge. A woman got AIDS from her husband, a drug abuser. But they didn't know they had the disease. They got divorced and each remarried, passing AIDS to their new spouses. "If there were marriage license testing [for AIDS] in Kentucky, there would have been three opportunities to break the chain of infection," said Bauer. "It's serious to lose your job or apartment, but not as serious or final as losing your life." Reagan was impressed with the anecdote.

Reagan made his feelings clear. When it was suggested that testing of hospital patients be voluntary, he said, "Wait a minute. Why would you want to give anyone the choice not to take the test?" The final issue was what to say in the speech at the AIDS dinner. Nancy Reagan had insisted that her favorite speechwriter, Landon Parvin, work up the text. Bauer and others wanted to change some of the language. Baker let them lobby for changes, and they got some. "If they hadn't, the president's speech could have just as easily been seen as his signing on to gay rights bills," says a White House official. Bauer got language stricken that would have had the president declaring that you can't get AIDS from mosquitos or food handlers.

UNTIL THE very end of the Cabinet meeting, Baker was laid back. Then Bennett urged federal funding for AIDS testing by states. Interior Secretary Donald Hodel said this wasn't appropriate for the federal government. Bennett persisted. Federal funding is crucial to ensure quality control of AIDS tests, he said. It is needed to give states an incentive to test, and to demonstrate the administration is offering tangible leadership. Finally, Baker interrupted. "That's an interesting point," he told Bennett. "We'll get back to that after the president's speech."

FRED BARNES

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THE PRESS

THE PHANTOM INTERVIEW

ON DECEMBER 1985, while I was the White House correspondent for Radio Marti, the U.S. government-operated station that broadcasts into Cuba, I asked one of my contacts if I could interview President Reagan. The official was enthusiastic about the idea, and in February I was told the interview was going to take place. My editors and I drafted a dozen questions to ask the president and took them to Ernesto Betancourt, the director of Radio Marti, for his approval. Betancourt revised several questions, and then informed us that he was awaiting instructions from the White House. A week later I was told that the interview was canceled. But I requested one again in May and got the OK. It was scheduled for June 9.

I wanted to meet with my editors to discuss the questions, since the first set was outdated. But Jay Mallin, the station's news director, told me not to worry about it. On the day of the interview, I met with Mallin and Betancourt and was told I was not going to be the one to interview President Reagan. Mallin explained that the White House had insisted Betancourt ask the questions. The arrangement struck me as peculiar. As the White House correspondent, surely I should participate in some way.

On the cab ride to the White House, I asked Mallin about our questions. After hesitating a moment, he handed me several stapled pages. They contained not only the questions we would ask but also the answers President Reagan would give. Mallin nervously explained that the National Security Council staff had replaced some of our earlier questions with their own, and had thoughtfully provided answers for all of them. The interview had already taken place. The NSC had interviewed itself.

The scene that followed was surreal. We were ushered into the Cabinet room where two technicians were preparing tapes and microphones. Charles Wick, the director of the United States Information Agency, took control. The president strolled in and greeted us. Wick directed Reagan to sit at the head of the table, and placed Betancourt at his right. Mallin and I sat in the staff chairs along the wall. I was still hoping that Reagan, "the Great Communicator," would disregard his prepared text and answer spontaneously. In response to Betancourt's first question, President Reagan dutifully read from his script, but stopped after one paragraph. Betancourt asked the next question. Reagan read another paragraph. In a whisper, I asked Mallin why Reagan wasn't reading his entire answer. Mallin whispered back that the rest of the reply would be translated into Spanish by Radio Marti. The president didn't even need to say the words.

When I returned to the office, I went to see Helga Silva, the deputy chief director of Radio Marti, and told her that I thought the phantom interview was a pathetic farce. She replied that she sympathized but that I was young. "You have to understand, Annette," she said, "at this level everything is staged." I asked if the interview was going to be made public to the American press. She assured me that it was not; Voice of America's policy does not allow domestic distribution of its material prepared for use abroad. The next week a transcript of the interview was made available to the White House press corps.

Five months later, at President Reagan's November 19 press conference on the Iranian arms sale, I finally managed to ask a question of my own: "Mr. President, in view of your obvious change in policy toward Iran, would you consider changing your policy toward Nicaragua, and if so, would you consider breaking diplomatic relations with Nicaragua to increase the pressure on the Sandinista government?" Reagan said he wouldn't break diplomatic relations. When I called the office later that night, I was told my editors, who had approved the question beforehand, were very pleased I had asked it. Twelve hours later I was out of a job.

Perhaps my question, coming six days before Attorney General Edwin Meese revealed that profits from the Iranian deal had been diverted to the *contras*, made some people at the NSC nervous. Or perhaps the idea of a Radio Marti reporter asking the president a serious question was simply unacceptable. I was told the next day that the NSC had objected, that I was no longer White House correspondent, and that I was on the brink of being fired outright.

I then received a call from Richard Carlson, the director of Voice of America, demanding to know who told me about the NSC's objections. When I declined to name my source, he claimed that the NSC had never interfered with Voice of America. I told him about the NSC's role in the interview that never was. He sputtered about that for a while and then announced that I was an embarrassment to Radio Marti. I understood why. I was a journalist.

ANNETTE LOPEZ-MUÑOZ

Annette Lopez-Muñoz has since left Radio Marti and is a writer in Washington.

The Star Wars showdown.

COLLISION IN SPACE

A POLITICAL SHOWDOWN over the Strategic Defense Initiative is finally at hand. Until this year the Reagan administration's enthusiasm about strategic defense and Congress's skepticism coexisted. SDI was described as a research program. Recent legal, political, and scientific developments have recast the dispute and landed the administration in deep trouble.

In early 1985 the SDI office of the Pentagon dutifully assured Congress that its experiments were being designed

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to ensure compliance with the 1972 Anti-Ballistic Missile Treaty, and that an informed decision on deployment could be made in the early to mid-1990s *without* violating it. But soon thereafter the administration presented a "reinterpretation" of the treaty. In October State Department legal adviser Abraham Sofaer announced that the ABM Treaty does *not* constrain the development and testing of ABM components—as long as such components are based upon technologies different from those employed when the treaty was written in 1972. President Reagan sidestepped fierce criticism of this "broad" view of the treaty by simultaneously endorsing it and announcing that SDI experiments would continue to comply with the traditional interpretation. But in February Defense Secretary Caspar Weinberger urged the president to "implement" the broad interpretation in order to perform tests prohibited by the traditional view. That's when the shoot-out began.

In March Senator Sam Nunn issued a detailed study that rejected the administration's position. In May Sofaer fired back with two more reports buttressing his original argument. Nunn responded with another study that blasted Sofaer's latest analysis as "deficient." In the meantime the Senate Armed Services Committee voted an amendment to the 1988 defense authorization bill that blocks any activities that violate the traditional reading of the ABM Treaty.

The administration cannot win on this issue. Not only is Nunn, the respected chairman of the Armed Services Committee, leading the opposition. The administration has lost credibility as well. The State Department's analysis was put together hastily after Defense Department officials settled on the new interpretation in the summer of 1985. None of the principal U.S. negotiators of the ABM Treaty—apart from Paul Nitze, Reagan's arms control adviser—was asked to help assess the negotiating record. One lawyer who had worked for Sofaer told Congress that evidence for the traditional view of the treaty was excluded from consideration in Sofaer's analysis, and that "the experts were left out of the process." A report submitted to Congress as late as August 1986 omitted some damaging citations, an "oversight" that Sofaer blamed on "young lawyers" on his staff. In any event, the administration is almost certain to lose because it is challenging the Senate's institutional role of approving treaties. The president can veto legislation that mandates continued adherence to the traditional terms of the ABM Treaty, but if he wants funds for defense he cannot hold out indefinitely against Congress's insistence on SDI restrictions.

DESPITE THE legal complexities, the underlying policy issue is simple: Are we ready to commit to deployment of strategic defenses? Congress is still skeptical. Representative Jack Kemp's amendment to begin deploying defenses by 1994 was rejected in the House in May by a vote of 302 to 121. Recognizing this opposition, the administration continues to insist that SDI is just a research program designed to lead to the eventual decision on deployment. But is it only that?

Pentagon officials still claim that no decision has been taken, but their actions reflect a commitment to rapid deployment. Since December Weinberger has made a case for deployment of partial defenses as a step toward later, more effective defenses. Pentagon officials followed up their complaints that the traditional treaty interpretation forces them to perform costly experiments by calculating the savings permitted by testing under the "broad" interpretation, in a study that outlined a program heading toward deployment in the mid-1990s.

SDI budgets also reflect a dramatic shift in priority toward near-term technologies. Last year funding for space-based rocket interceptors was cut back; this year it is receiving a huge increase. The administration has also pushed up development of a new heavy-lift space launch vehicle and has restructured some projects to emphasize simpler technologies available in the near future. The president may not have signed an official decision memorandum approving early deployment, but everything the Pentagon does reflects a firm commitment to proceed.

AS A RESULT, the debate over the ABM Treaty is tied to an even more important debate over the specific technologies that would be employed by a near-term defense system. In May two representatives offered an amendment eliminating funds for testing of the satellite-based rockets known as space-based kinetic kill vehicles (SBKKVs). The measure narrowly failed, but the House did vote to prohibit deployment of an SDI system without specific congressional approval. If and when SDI comes up in the Senate, another amendment to stop the SBKKV will be offered.

"Limited" is the best one can say about the defenses we would get with early deployment. The plan envisions use of SBKKVs to stop some Soviet missiles in their early "boost" phase of flight; more traditional ground-based interceptor rockets would attempt to block the remaining warheads in the middle and late stages of flight. At best, such a system could stop a small share of the warheads in a large-scale attack. And with Soviet countermeasures, such a defense would be practically worthless. Recent studies by pro-Star Wars groups such as High Frontier, which argues for early deployment, are so incomplete that they are not taken seriously by most experts.

The idea of space-based rocket interceptors is nothing new. Such a system was proposed in the early 1960s under the more felicitous acronym BAMBI (for Ballistic Missile Boost Intercept). It was rejected. High Frontier began lobbying for almost the same program two years before the president's famous Star Wars speech in 1983. Back then the BAMBI idea was dismissed by the president's science adviser as a "mad scientist's dream." And recently declassified documents reveal that in 1982 the High Frontier scheme was rejected as "unworkable," "unrealistic," and containing "serious technical and economic shortcomings."

If these systems were rejected by the administration in 1982, why is the Pentagon trying to build them now? Lt. Gen. James Abrahamson, director of the SDI office, argues that the technology has made "profound" advances since

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1983. This is a gross exaggeration. Though there has been progress, we have also learned that some problems are much tougher to solve than previously thought. Studies have shown that the Soviets could soon develop "fast burn" boosters that would foil our SBKKVs, and it would be relatively simple for the Soviets to attack our satellite battle stations.

SDI advocates fall back on arguments for "phased deployment." The logic goes something like this: by the time the Soviets develop ways to overcome an initial rudimentary system, we could be deploying "phase two" or "phase three" systems based on "exotic" laser and particle beam technologies. But, as a report on directed energy weapons released by the American Physical Society in April demonstrates, these technologies may never prove feasible—and certainly not in time to replace an obsolete phase one system.

The report, written by top physicists and specialists in lasers and other futuristic weapons technologies, cautions that "significant gaps" remain in our understanding of the issues. The general reader confused by the report's 424-page discussion of "Brillouin scattering" and "turbulent flocculence" should still be able to understand one scientific concept: order of magnitude. An order of magnitude refers to a factor, or power, of ten (e.g., an order of magnitude of one equals ten, of two equals 100). Repeatedly the report cautions that though certain technologies have been demonstrated in the laboratory, advancements of two, three, or more orders of magnitude are needed before a militarily effective capability is established. As the report puts it, "Even in the best of circumstances, a decade or more of intensive research would be required to provide the technical knowledge needed for an informed decision about the potential effectiveness and survivability of directed energy weapons." So damaging was the report to Pentagon plans that a deputy to Abrahamson could only reply by saying, "There is nothing in their report which says that we're completely out of our minds."

THERE ARE NOW signs that some Reagan officials are considering a more sensible approach. Soviet officials too are hinting at a similar course, which raises hopes for a compromise resembling the deal outlined last October in Reykjavik. Both sides would agree to abide by the ABM Treaty while making deep cuts in offensive arms.

The problem comes in defining what it means to abide by the ABM Treaty. The two sides will need to discuss how the ABM Treaty's restrictions on development and test of ABM components might be applied to new technologies. The goal should be to strike a balance between the U.S. desire to explore new technologies and the Soviet interest in ensuring a lead-time between development and deployment so that they will not be surprised by a sudden "breakout" on our part. Verifiability is the key. One possibility would be to allow development of space-based sensor systems, while prohibiting tests of technologies that can destroy objects in space. Sensors defy regulation because it is very difficult to make a clean distinction between non-ABM sensors, such as those for early warning, and sensors such as those capable of providing targeting data for an anti-missile system. It should be possible, though, to define verifiable differences between lasers used for communications or scientific research and those capable of destroying missiles.

Destructive lasers would necessarily require very high power output or "brightness" levels. A limit on allowed brightness of lasers tested in space, and/or a limit on the size of space-based mirrors used to redirect beams from ground-based lasers, would erect a barrier to rapid deployment of space-based defense systems. Under this approach, the United States could explore the most promising SDI technologies while refraining from testing those intended for early deployment.

So far the Defense Department has been unwilling to countenance any such negotiations with the Soviets. But State Department officials have begun to see things differently. In a March op-ed piece for the *Washington Post*, Nitze argued for a "compromise" that would permit a "robust research program" and raised the possibility of a U.S.-Soviet "dialogue" that might embrace the distinction between sensors and weapons. Such a policy would open the way to progress in strategic arms control. A "grand compromise" with the Soviets would not impose any serious restrictions on the research that we should be doing, and it would give us major, stabilizing reductions in offensive arms. That's the arms control deal that Reagan has said all along that he wants.

ROBERT D. ENGLISH AND STEPHEN DAGGETT

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Time to deal.

ISRAEL'S OPPORTUNITY

THIS SHOULD BE a year of decision and change in the Middle East, but another unprecedented opportunity to end the cycle of conflict is about to be missed. Israel's impotent government is floundering in parochial intra-party factionalism, the Palestinian leadership is adhering to the PLO's ideology of no compromise, and the Jordanians are talking about progress without moving one inch forward. The idea of an international conference to resolve the Israeli-Palestinian-Jordanian imbroglio aroused a flurry of activity, but it is now clear that there will be no conference.

Dr. Yosef Beilin, the director-general of the Israeli Foreign Ministry, currently in Washington on behalf of Shi-

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mon Peres, is trying to rekindle interest within the Reagan administration. Yet given the explosiveness of the issue inside Israel, it is hard to imagine what the administration might be expected to do. Peres has failed to deliver a national consensus in Israel, without which the Americans cannot proceed.

Nevertheless, Israel has never been in a better situation strategically. Peace with Egypt has allowed it not only to cut its defense budget significantly, but to deter the Syrians as well. Peace between the two countries has withstood the assassination of President Anwar Sadat, three years of war in Lebanon, and Israel's decision to bomb PLO headquarters in Tunisia. Moreover, the Egyptian ambassador has returned to Tel Aviv, and the dispute over rights to Taba has been referred to international arbitration.

Israel also has de facto peace on its border with Jordan. At night the Jordanian army lies facing inward, ensuring no terrorist infiltration into Israel, rather than guarding against Israeli incursion. Some 11,000 Jordanian citizens visited Israel last year, and significant trade has developed between the two countries in agricultural technology in recent years. King Hussein is reported to have met with Peres and Defense Minister Yitzhak Rabin more than once (most recently in London this spring), and the two sides have reached formal agreements on joint policies and strategies in the West Bank and Gaza. These range from the growing number of open visits by senior Jordanian officials to the occupied territories and Israel to the appointment of mutually agreed upon mayors to take over the administrative rule of Arab towns.

Syria remains a major strategic problem. But it has never been weaker. Isolated in the Arab world because of its support for Iran in the Iran-Iraq war, bedeviled by economic problems that have created both social unrest and major cutbacks in President Hafez Assad's quest for strategic parity with Israel, plagued with infighting that has intensified as Assad's health has continued to deteriorate, and shackled with the impossible task of trying to achieve stability in Lebanon, Syria is not in a position to pose a real threat to Israel. Assad has been forced to mothball units. He has canceled major troop maneuvers because he can't afford them, and he has been unable to put to use much of the new equipment he purchased after Syria's crushing defeat in the 1982 Lebanese war.

This is not an army that could match the Israeli Defense Forces. Assad cannot count on a single Arab state to come to his side in a war. He cannot even count on Soviet support. This has been made patently clear to him on more than one occasion, most recently in Moscow last month, when Gorbachev explained that the regional instability in the Middle East would not conform with the Soviet Union's wider interests at this time—namely a de-escalation of superpower tensions considered essential for economic reform.

ISRAEL'S international standing is improving as well. Israel has established diplomatic ties with Spain and Poland; countries in Africa have renewed their ties. Its relationship with the United States is so good that on the day Jonathan Jay Pollard was sentenced, American and Israeli officers and defense officials were reaching unprecedented agreements at every level of strategic cooperation.

Finally, there has been an improvement in Israeli-Soviet relations. Growing numbers of Soviet Jews are being allowed to emigrate, and direct and open diplomatic activity between the countries has increased. Gorbachev himself last month indicated (at a speech in honor of Assad, of all occasions) that formal diplomatic bonds between Israel and the Soviet Union, severed in 1967, might soon be re-established. The absence of such ties was "unnatural," he said.

Under these circumstances Israel's leadership should be able to make bold moves with confidence. When Shimon Peres moved forward on the international conference, he put all the pieces in place, with one major exception: his prime minister. Out of arrogance, naïveté, or ineptitude, Peres underestimated Yitzhak Shamir. Peres not only was unable to achieve Cabinet support for his proposal, he also failed to force the issue on the Israeli electorate, and as a result totally failed his allies.

AN INTERNATIONAL conference would not necessarily have provided a solution to the Israeli-Palestinian problem, but it would have initiated a dialogue to replace the cycle of violence and repression that has characterized the relationship between the two peoples. After 20 years of Israeli occupation, the PLO has achieved nothing tangible for the Palestinians of the West Bank and Gaza. Despite protestations to the contrary, West Bankers and Gazans were deeply disappointed by Arafat's realignment with George Habash and other Palestinian rejectionists in Algiers, and by his rejection of any peace process. The time could not have been more opportune for Jordan. With the tacit support of the moderate Arab world, Hussein could have filled the vacuum of leadership with people loyal to him, and willing to attempt talks with Israel within the context of an internationally sanctioned forum.

Several things could happen now that would break the deadlock. Peres could engineer new elections—but only with the support of the religious parties in Israel, who are less than favorably disposed to yielding even partial control of the territories. Hussein could make some dramatic gesture, but it would have to be dramatic indeed in order to improve the political dynamic within Israel to the point where Peres could move forward. Hussein has little incentive for such a gesture, and has never displayed bold or imaginative leadership in the past.

The Russians are a puzzle. They will not move to facilitate an American-inspired process, but they have much to gain from using the current stalemate to foster their own wider interests in the Middle East. They have invited both Hussein and Egyptian president Hosni Mubarak to Moscow, and there have been substantive reports that an invitation to Peres may be forthcoming in the not-too-distant future.

A Soviet-engineered Hussein-Peres summit is also possi-

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ble. Such a move would bring enormous benefits to the Soviets. It would not only reintroduce them into the mainstream of Mideast peacemaking from which they have been excluded for a decade, but also place them on center stage. It would help to restore their position with the moderate Arabs, and further weaken America's influence. If Gorbachev, who has displayed a flair for the unexpected in international politics, assumes an active role and makes meaningful concessions to Israel (the release of Soviet Jews, the renewal of relations, and a commitment to restrain the Syrians), American hegemony in the peacemaking process of the Middle East would be seriously threatened.

What better reason for Israel, the United States, and Jordan to move in, or, failing that, at least to generate some interim measures that would keep the hope alive? Peres could concentrate on improving the political climate in Israel by responsible, reasoned action; Hussein could enhance his efforts to strengthen his power base on the West Bank and Gaza, and the Americans could provide him with the means he needs to do this. At the same time, serious work could begin on a process to try and create a pragmatic, bona fide Palestinian leadership to replace Yasir Arafat's PLO as the only voice of the Palestinians.

There is a mechanism for achieving this: internationally guaranteed, free elections among the 1.3 million Palestinians who live on the West Bank and in Gaza. The populations of these two areas constitute the single largest Palestinian concentration in the world. Why not allow them to choose their leadership? There is every indication, especially on the West Bank, that there is an echelon of acceptable Palestinians—loyal to the PLO, but opposed, disappointed, and frustrated by the failures of Arafat's armed struggle—who would stand in such elections. They would never agree to stand on an Israeli-Jordanian-Egyptian-American list, but they would be prepared to represent their own people, if elected by their own people.

If Hussein were to call for such elections, the Americans would have to endorse them. Both Peres and Rabin have stated in public that they are receptive to the idea. A call for elections would begin to arrest the frustration, violence, and hatred that have overtaken the lives of Jew and Palestinian alike in Israel.

HIRSH GOODMAN

Hirsh Goodman is the defense correspondent of the *Jerusalem Post*. He is currently a visiting fellow at the Washington Institute for Near East Policy.

CONSTITUTION I

LET'S GET REPRESENTATIVE

BY HENDRIK HERTZBERG

NOWHERE AMID the happy noise of the big birthday party for the Constitution can one detect a popular clamor for changing that document. On the contrary, the emphasis is on thanksgiving and veneration; and despite the ghastly up-with-people tone of it all, the celebratory sentiments are worthier than the boosterism they engender. The Constitution, after all, is no ordinary scrap of parchment. It is more than the rules of a governmental game, more than an owner's manual for a political mechanism. Though other constitutions are like it (it is the model for many a Third World statelet), it is not like other constitutions. Though firmly rooted in Enlightenment rationalism, it long ago acquired a mystical, almost occult significance.

In a sense, the Constitution of the United States *is* the United States. Our Constitution is central to who we are as Americans in ways that the basic laws of the French Republic or the Federal Republic of Germany, for example, are not at all central to the identities of Frenchmen or Germans. We may sing about purple mountain majesties and fruited plains, but we have no mystique of land or blood. We have no *patrie*, no *volk*. We come from all over the place, we're all different colors, and we don't all look alike. What unites us, finally, is a political compact, a constitution: *the* Constitution. It is the fount of America's very nationhood. No wonder we don't want to mess with it.

Because amending the Constitution is both difficult and dangerous, it has only been done three times on a large scale: before the mold had set (the Bill of Rights); after it had been smashed by civil war (the Reconstruction amendments); and at Progressivism's high tide (direct election of senators, the income tax, women's suffrage). There is little reason to expect, alas, that the bicentennial can be turned into an occasion for change. But it is already the next best thing, an occasion for discussion. For the time being, it is possible to broach the subject of constitutional reform without being hooted down as a crank. Can we talk?

The more thoughtful critics of the system of government chartered by the Constitution point to two great flaws in it (which some regard as its greatest virtues): it is weak, and it is unrepresentative. The question is whether these two

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flaws could be remedied without seriously undermining the continuity that confers legitimacy. The answer, I would guess, is no and yes.

The weakness is endemic and probably ineradicable. Weakness is a function of the separation of powers between the legislative and executive branches. The separation of powers has been so central to the American system of government that abolishing it would probably make the system unrecognizable and thus threaten its historical legitimacy. The only effective way to get rid of the separation of powers would be to introduce a parliamentary system, in which the executive would be the creature of the legislature and the two branches would stand, govern, and fall together. Such a system would be strong, effective, and accountable. It would not, alas, be American.

UNREPRESENTATIVENESS is another story. That problem, which is rooted in the geographic basis of representation, could be solved quite neatly.

The Congress of the United States does one thing, and one thing only, very well: it represents localities. When you go to the polls to vote for a candidate for the Senate or the House, you can be absolutely sure that you will have the opportunity to vote for someone to represent your state or your district. (You can even be sure that someone will in fact be elected to do just that.) What you cannot be sure of is that you will have the opportunity to vote for (let alone elect) someone to represent your point of view—or anything else about yourself you may consider important.

Two hundred years ago it was natural to make geography the sole basis for designing political constituencies. It is highly unnatural now. Back then most people lived out their lives within a few miles of where they were born. Now a third of the population uproots itself every two years. Then travel was slow and arduous. Now it is fast and easy. Then we had letters carried by stagecoach and sailing ship. Now we have telephones, modems, and Federal Express. Then we had torchlight parades and committees of correspondence; now we have tracking polls, "Nightline," and national newspapers printed simultaneously in a dozen cities. The ties that bind are no longer just the ties of propinquity. The communities that count are communities of interest and belief—communities that are at least as likely to be national as local. Ideology, profession, class, even racial and sexual identity—these are the soil our roots grow in now, as much as or more than where we live.

John Stuart Mill would have understood this point. "I cannot see why the feelings and interests which arrange mankind according to localities," he once wrote, "should be the only ones thought worthy of being represented; or why people who have other feelings and interests, which they value more than they do their geographical ones, should be restricted to these as the sole principle of their political classification."

We would be better off, in other words, if our representative institutions represented what *we ourselves* regard as important about us, rather than representing only the states and districts in which we happen to live and everything else about us only capriciously or not at all. That is why we would do well to adopt the following:

AMENDMENT 27

Section 1. The Senate of the United States shall be composed of one Senator from each State, elected by the people thereof for six years, and an equal number of Senators elected at large by the whole people of the United States for six years.

Section 2. The one-third of the Senate elected every second year shall be divided as equally as possible between Senators elected by the several States and those elected at large.

Section 3. The Senators elected at large shall be elected by the Hare, or single transferable vote, method of proportional representation.

Section 4. The House of Representatives shall consist of the Members apportioned among the several states, and of one hundred members elected at large by the whole people of the United States.

Section 5. The Members of the House of Representatives elected at large shall be elected by the slate or party-list method of proportional representation.

Section 6. The Congress shall have the power to regulate, by appropriate legislation, the carrying out of the provisions of this Article.

This scheme would make the government of the United States dramatically more representative—more democratic—and it would do so without undue violence to time-sanctioned forms. Specifically, Amendment 27, with its use of national proportional representation to choose 50 senators and 100 members of the House, would improve the quality of representative democracy in three ways:

First, it would allow important minorities to express themselves through the political system. Minorities are represented under the present dispensation—but only if they all happen to live in the same place. It takes about 100,000 people to elect a representative in an average district, scarcely more than that to elect a senator in some Western states. But much larger, much more salient minorities are shut out if they have the bad luck to be spread around. Under Amendment 27 a party or candidate would need the support of perhaps three-quarters of a million Americans to win an at-large seat in the House, maybe four million to win one in the Senate—about the number of votes a Senate victory takes in the most populous states. These are not trivial numbers. (The actual thresholds would probably be higher, because turnout would almost certainly rise if you could vote for a person or party you actually agreed with and/or respected.) And the senators and representatives chosen in this way would represent what people want represented about themselves.

Second, Amendment 27 would make individual votes count. Voting in the United States is almost always purely a civic sacrament—a ritual of faith, not an exercise of political power. The only time your vote really "counts" is in a photo-finish election. If you happen to live in a "safe" congressional district, as the vast majority of Americans do, you might as well be disfranchised. In such a district your side can turn out ten percent more voters than last

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time and it makes no practical difference. But under proportional representation ten percent more votes means ten percent more victories. As I'll explain, under p.r. all races are close and every vote counts—another reason turnout would undoubtedly be higher.

Third, Amendment 27 would permit the election of talented candidates whose political bases are in "constituencies" that don't happen to be local. It is good to have members of Congress who are grounded in particular places, and under Amendment 27 most still would be. But our geographically based electoral arrangements deprive us of the services of those who have had the wit or energy to leave home. In every country the ambitious, clever, and interesting people tend to abandon the provinces for the metropolis. They go to the big city because that is the way to accomplish something in business or the arts or scholarship. In Britain and France—even in Canada!—the political parties can tap such people and designate them to stand for provincial parliamentary seats; in Israel and Italy, they can run for seats at large. Not so here. Most of our best people are cut off from electoral politics because they lack a local base, and they lack a local base because they are some of our best people. The citizens of any self-respecting medium-sized city would be delighted to get Kareem Abdul-Jabbar to play for their basketball team, André Previn to direct their symphony orchestra, or Pauline Kael to review movies for their local newspaper. But few of these same good burghers would extend a political welcome to an "outsider," even one whose intelligence, eloquence, and knowledge of public affairs might make him or her better fitted for service in the House or Senate than some local lawyer or realtor. Arthur Schlesinger Jr. for visiting professor at River City College? Of course. Arthur Schlesinger Jr. for Congress? Never. Professor Schlesinger would be a catch, candidate Schlesinger merely a carpetbagger. Is it any wonder our legislative assemblies are filled with unimaginative people whose ambition and interests are narrow?

THE FOUNDERS SAW the Senate as the protector of small states and as a chamber of notables. It would retain the first role because each state, regardless of population, would have its own senator. (This, by the way, would satisfy Article V's strange requirement that the Constitution cannot be amended in such a way that any state is "deprived of its equal Suffrage in the Senate.") But with half its members elected by the Hare system, the Senate's character as a chamber of notables would be much enhanced.

The Hare system, named for its inventor, a mid-19th-century British parliamentarian named Thomas Hare, is probably the most perfectly "representative" electoral system ever devised. Mill, its most passionate advocate, called it "among the very greatest improvements in the theory and practice of government." As it happens, the Hare system would be especially well suited for picking at-large members of the Senate, only 16 or 17 of whom would be up every two years.

The Hare system is simple for the voter, who has only to list his or her choices in rank order—first choice, second choice, third, and so on. The counting is what's complicated. The counting is also the key to the Hare system's advantage, which is that it makes every vote count. In simplified form, here's how it works (and pay attention, because I'm only going to explain this once):

Consider an at-large Senate election to fill 16 seats, with 72 million people voting. (Come to think of it, you may need a pencil and some scratch paper to follow this.) The first-choice votes are counted first, and anybody who gets more than one-sixteenth of the 72 million first-choice votes, i.e., 4.5 million, is declared elected. Then, the second-choice votes of those whose first choice has won are added to the remaining candidates' totals—but only to the extent they represent a "surplus" for the winning candidate. This is done by multiplying the second-choice totals by a fraction representing the proportion of each winner's votes over 4.5 million. Any candidate who exceeds 4.5 million votes after this second round is declared elected. Meanwhile, at the other end of the field, the candidate with the lowest number of first-choice votes is declared eliminated, and his or her second-choice votes are distributed, at full value, among the remaining candidates. This cycle is repeated until all 16 seats are filled. In the end, every vote has been fully used for winning candidates. No one needs to worry about "wasting" a vote on a candidate too popular to need it or too unpopular to use it. All clear?

NO? All right, look at it this way. Let's say George Will gets six million first-place votes and Jeane Kirkpatrick gets four million. George is declared elected. His second-choice votes are then counted, and it turns out that three million of his people listed Jeane second. Those three million votes are multiplied by (6-4.5)/6—that is, one-fourth—and the resulting figure, 750,000, is added to Jeane's total, giving her 4.75 million and putting her over the top. On the next round of counting, of course, her second-choice ballots would be distributed in similar fashion. And so on. This is sufficiently complicated that in the few places where the Hare system is used, such as in elections for the Irish Dail and the city council of Cambridge, Massachusetts, the counting can take days, because paper ballots are used. With computerization, though, it could be done in minutes.

If the above example displeases you, substitute the names "Jesse Jackson" and "Mary McGrory." Or "Michael Harrington" and "Irving Howe." The point is that Amendment 27 would open the Senate to the sort of people who might make floor debates worth listening to. With one or two exceptions it does not now contain such people. John Stuart Mill again:

> In the false democracy which, instead of giving representation to all, gives it only to the local majorities, the voice of the instructed minority may have no organs at all in the representative body. It is an admitted fact that in the American democracy, which is constructed on this faulty model, the highly cultivated members of the community, except such of them as are willing

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to sacrifice their own opinions and modes of judgment, and become the servile mouthpieces of their inferiors in knowledge, seldom even offer themselves for Congress or the State Legislatures, so little likelihood have they of being returned. Had a plan like Mr. Hare's by good fortune suggested itself to the enlightened and patriotic founders of the American Republic, the Federal and State Assemblies would have contained many of these distinguished men, and democracy would have been spared its greatest reproach and one of its most formidable evils. (*Considerations on Representative Government*, Chapter VII)

With 16 Senate seats to fill, a voter could theoretically list 16 candidates in order of preference. But there seldom would be much advantage in listing more than about a half dozen—and no advantage at all in "bullet voting," or listing only one candidate. It is perfectly reasonable to expect voters to be informed enough to be able to choose six candidates even from a large field in what would be a highly visible national election.

On the House side, however, with 100 at-large seats to be filled at every election, the Hare system would offer too many choices. The solution is for each voter to cast a single ballot for a slate of candidates. The allocation of seats is in proportion to the vote. If the Democrats get 30 percent of the vote, the Republicans 22 percent, and the Right-to-Lifers two percent, then the Democrats get 30 seats, the Republicans 22, and the Right-to-Lifers two. Each party draws up its own list, with the names of its most able and/or attractive candidates at the top, where they might make the cut.

I CAN IMAGINE many objections to Amendment 27, all of them rooted in legitimate concerns. It would weaken the existing parties. It would open the door to a host of little parties and single-issue and special interest groups to have their own members of Congress. It would risk giving some little extremist group the balance of power and thus inordinate influence over public policy.

Would it really weaken the parties? That would be quite a trick—a bit like wetting the ocean. Without question, Amendment 27 would result in the election of independent and minor-party senators and representatives. But on balance the major parties would be greatly strengthened. First, half the Senate and 80 percent of the House would still be elected by winner-take-all, first-past-the-post constituencies, the dynamics of which inexorably dictate a system of two broad coalition parties. (The expanded House of Representatives, by the way, would still have 115 fewer members than the British House of Commons.) Second, because Congress would be charged with making the rules governing access to the ballot, we can expect that those rules would be biased in favor of the big parties. Third, and most important, the national parties, which up to now have had at their disposal only the two quadrennial executive-branch nominations, would have the power to bestow 116 or 117 biennial legislative nominations as well. This would give the party organizations more clout than they have ever dreamed of.

What about Balkanization? In fact it would be less of a threat than one might expect. The experience of most countries that have proportional representation is that a stable two-party or two-coalition system emerges, with a few representatives of minor parties to add spice. In cases where no party wins an outright majority, the process of coalition-building more often acts as a moderating than a radicalizing influence.

The great counterexample, routinely cited by opponents of proportional representation, is Israel, where, because of the almost equal strength of Labor and the Likud, the balance of power has sometimes been held by a tiny, single-minded religious party, which has been able to force many of its orthodox strictures upon the secular-minded majority. Could that happen to us under Amendment 27? Thanks to the separation of powers, no. Even in the unlikely event some loony little political sect ended up holding the balance of power between the Democrats and their allies and the Republicans and theirs, the stakes would be far lower than under a parliamentary regime. The steepest price the loonies could exact would be a few extra committee seats and a chairmanship or two.

ANYWAY, what would be so terrible about a bit of political pluralism? Would it really be so bad if the anti-abortionists or environmentalists managed to elect a senator and three or four representatives? Or if black and sympathetic white voters succeeded in raising the number of black senators from zero to four or five and of black representatives from 23 to 33? That would still be less than their rightful share—their "quota," if you like. The majority must rule, but shouldn't minorities (and every one of us is a member of some minority or other) have a voice?

A few years ago there was much worried clucking about the rise of the Greens in West Germany. They were said to have a disturbing penchant for "extraparliamentary" politics. Yet now they sit in the Bundestag, which has had the twin effects of strengthening the more responsible elements among them and of binding their followers more firmly to the democratic system. In fact it is the United States that has been the foremost stronghold of "extraparliamentary" politics. The most important American politician of the postwar era was not an officeholder but a protester, Martin Luther King Jr. "Advanced" ideas of whatever stripe rarely find expression in our official political institutions, because the only way to get elected is to put together a majority or plurality coalition in a particular place.

Coalitions are built by blurring distinctions, not sharpening them. The best political discussions in the United States occur in universities, kitchens, little magazines, saloons—anywhere but in the halls of Congress. Amendment 27 would go some distance toward changing that. The discontented would no longer have to choose between fitful protest and frozen apathy; the citizenry would no longer have to choose between two banal local lawyers. All could go to the polls and vote, knowing that in doing so they were performing a consequential political act—and joining that now too often mythical symposium, the "national debate." □

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MOVE OVER, JAMES MADISON

If you could add one amendment to the Constitution, what would it be? We posed this question to a variety of distinguished people and extended a general invitation to our distinguished readership. Here are some of the more interesting responses, edited for length and to avoid repetitions. The most common repeat suggestions involved limiting congressional tenure or (paradoxically) repealing the limit on presidential tenure; restricting campaign contributions; and forbidding the designated-hitter rule.

Article V, providing that two-thirds of the state legislatures can call a constitutional convention, is a constitutional crisis waiting to happen. Fearful of those wild-eyed folk in the states, Congress has never clarified how and when states can use their authority to initiate a constitutional convention. If Congress won't act, the states should petition for a convention with the sole purpose of amending Article V. The mere threat might force Congress to adopt legislation stipulating how and when states can use their right to originate amendments—a concession that all wisdom does not reside in Washington. The last time that happened, the states ganged up on Congress to force the direct election of U.S. senators. Would any genuine federalist today argue against that result?

BRUCE BABBITT
Phoenix, Arizona

Abolish the Electoral College? Get rid of the separation of powers? Eliminate those frustrating checks and balances? No, thanks. Like James Madison, and out of a similar concern for the rights of all, I am opposed to any effort to make the Constitution a more efficient instrument of unrestrained popular majorities. I would, therefore, add an amendment forbidding future amendments.

WALTER BERNS
Washington, D.C.

"No person shall be prosecuted under any law if it can be shown that that law is not consistently and uniformly enforced for all persons."

GUY BLACK
Fairfax, Virginia

Hayek was correct when he wrote that the progressive income tax is "the chief source of irresponsibility of democratic action . . . and the crucial issue on which the whole character of future society will depend." Accordingly, the Hayek-Buckley amendment would forbid unequal treatment of income by the law.

WILLIAM F. BUCKLEY
New York, New York

"The designated-hitter rule shall not be allowed in professional baseball at any level in the United States."

ROBERT L. COHEN
Brooklyn, New York

"Supreme Court Justices shall serve a single, non-renewable term of nine years."

WILLIAM E. COOPER
Iowa City, Iowa

"No person shall be eligible to vote in an election for the U.S. Congress, nor for the office of President or Vice President, who has not fulfilled a term of National Service. The term of National Service includes, but need not be limited to, military service, and shall be for a duration of one to three years. Congress shall, by law, specify the term and nature of the National Service."

There is a built-in bias, in thoroughgoing democratic government, toward satisfying the demands of the electorate regardless of whether or not these demands are prudent. Representatives will reflect the views of the voters whom they represent. Rather than trying to limit the discretion of the representatives by means such as a balanced budget amendment, the approach here is to apply a filter. Those who don't wish to devote a few years to the country shouldn't have a say in what the country does.

JOHN CUGINI
Walkersville, Maryland

The Constitution should be amended to provide for a limitation of congressional service. Senators should be restricted to two terms (12 years) and Representatives to 12 years of service or six terms. Such a change would force Congress to elect representative leadership and reduce the paralyzing effect of parochial politics as practiced by all senior members of Congress.

KIM GORDON DAVIS
New York, New York

"1. In any general election for federal office, there shall be a choice on the ballot labeled 'Reject' after all the candidates. "2. If no candidate receives more votes than 'Reject' did, then a new election with different candidates shall be held."

STEVEN DEN BESTE
Arlington, Massachusetts

If the question had been put to me 15 years ago, I would have proclaimed, "The ERA." But no longer. Here's why. First, the Supreme Court, in a string of cases, has used the 14th Amendment to strike down nearly all the laws and practices Congress aimed to eliminate when it passed the ERA in 1972. Second, in the absence of anything approaching a consensus on whether, for example, women should be drafted and no longer exempt even from combat, there is little chance for ratification. Third, the decade-long struggle over the ERA demonstrates that once an amendment becomes a bitterly contested partisan question, the amending process is ill-suited to generate a working majority on substantive issues. Why? Because vital concerns left unanswered by the amendment will be thrown directly into the lap of the Supreme Court, the least democratic of our governing institutions. This makes people wary, as it should.

JEAN BETHKE ELSHTAIN
Amherst, Massachusetts

Riders should be added to the First Amendment explicitly protecting the right of smokers to assemble in public, and to the Seventh Amendment explicitly declaring bans on smoking to be cruel and unusual punishment.

HENRY FAIRLIE
Washington, D.C.

I propose an amendment to overturn the *Buckley* v. *Valeo* decision of 1976. In that case, the Supreme Court said, in effect, that campaign contributions were a form of free speech and therefore protected by the First Amendment. My new amendment would say: "Congress may regulate the amount of personal funds a candidate can spend in his/her own election." Without this amendment the House of Representatives may well evolve into a House of Lords as heirs and CEOs increasingly purchase congressional seats

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as they might stock exchange seats (except stock exchange seats are cheaper).

MARK GREEN
New York, New York

"The Congress shall not authorize any expenditure of public funds in excess of the funds that exist in the Treasury of the United States, or that exceeds the revenues to be collected during the term of the authorized expenditure, unless it simultaneously enacts a tax to provide the required funds."

CHARLES W. HAIR
Baton Rouge, Louisiana

"Every working-age person in the United States shall be guaranteed a right to a job at a wage equal to at least 50 percent of the median wage in the society."

MICHAEL HARRINGTON
New York, New York

It is time (morally and sensibly, if not politically) to ratify a constitutional amendment guaranteeing subsistence—that is, sufficient food, clothing, and shelter—for all Americans. One in every four children growing up in this country is so poor that either hunger or homelessness is inevitable. We are wasting a generation of children, for whom poverty renders all other constitutional rights meaningless. Wild-eyed idealists may still think we live in an 18th-century era of rugged individualism. The caretakers of the Republic's third century must be harder-headed.

ROBERT HAYES
New York, New York

I would propose Thomas Jefferson's unadopted version of the First Amendment, which reads: "The people shall not be deprived of the right to speak, to write, or otherwise publish anything but false facts affecting injuriously the life, liberty, or reputation of others, or affecting the peace of the confederacy with other nations."

REED IRVINE
Washington, D.C.

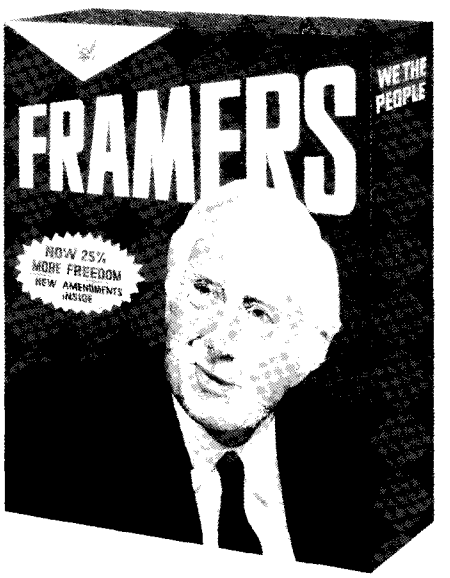
The single amendment I would tack on to the Constitution would delete from the Fifth Amendment the following words: "No person shall be compelled in any criminal case to be a witness against himself." In recent years, men such as Klaus Fuchs, DeLorean, the Butcher Brothers, Poindexter, North, and miscellaneous mobsters have tied our judicial system in knots. It is time that conservatives and liberals alike revisit this amendment and look at its need in today's advanced society.

EUGENE L. JOYCE
Oak Ridge, Tennessee

"No court of the United States shall issue any opinion exceeding eight (8) pages in length." To prevent cheating, the amendment might specify margin dimensions and type sizes, the way most court rules do in wisely limiting the pages in lawyers' briefs.

JOHN G. KESTER
Washington, D.C.

I would remove the provision of Article V allowing amendments to the Constitution to be proposed by calling a constitutional convention.



NORMAN LEAR
Los Angeles, California

"The right of the people to engage in private, consensual sexual activity shall not be infringed."

PAUL LERNER
New York, New York

A provision, in the interest of achieving real "arms control," that mandates that we match Soviet percentage growth in defense spending, thereby eliminating any incentive they might have for trying to outspend us militarily.

STEVE LENZNER
Maple Glen, Pennsylvania

"The subordination of women to men is hereby abolished." Or, similarly interpreted, Alice Paul's original 1923 Equal Rights Amendment: "Men and women shall have equal rights . . ." This would help counter sex-based de facto job segregation, feminized poverty, and sexist violation in which government now colludes, such as domestic battery, sexual abuse of children, rape, pornography, and prostitution. These conditions now exclude women from meaningful constitutional rights and meaningful lives.

CATHARINE MACKINNON
Palo Alto, California

I would repeal the 25th Amendment, on presidential succession, and abolish the office of Vice President. The possibilities of mischief and confusion inherent in this amendment are almost beyond imagination. The application of the amendment might well establish something like the "Great Schism" of the 14th century, when one pope held out in Rome and another in Avignon. Abolishing the vice presidency has several advantages. First, the presence of a vice presidential candidate confuses politics. The concept of a balanced ticket is unsound since it implies that by putting two candidates on the ticket, each unbalanced in some way, a balance in the presidential office is achieved. Also, a good man or woman can be wasted for four or eight years. A good man or woman can have a political career, even character, seriously and negatively affected by service as Vice President. Finally, the office puts in line for the presidency persons who may not have qualifications for the presidency, and who would not be candidates without the vice presidency as a launching base.

EUGENE J. MCCARTHY
Washington, D.C.

I would repeal the 22nd Amendment, which restricts a President's service to two terms. The Founding Fathers demonstrated their faith in democracy by permitting the voters to determine each President's length of service. An election every four years provides ample opportunity to remove an unsatisfactory President. The power of impeachment permits the removal of a President at any time for improper conduct.

GEORGE MCGOVERN
Washington, D.C.

"In any national, state, or local election, the Victor shall be determined by calculating the highest numerical ratio obtained by dividing the number of votes cast in favor of any candidate by the sum of all dollars spent by any Person, real or

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corporate, on any bona fide advertising or other activity designed or intended to influence the Electorate to vote for the Candidate."

JONATHAN T. MCPHEE
Chicago, Illinois

"Capital punishment shall be unconstitutional."

VICTOR NAVASKY
New York, New York

I think I will beg off. My reason is twofold. First, so little in fact is known about the operation of government that it is hard to be confident that any change in the system (a six-year presidency, or whatever) would be an improvement. Second, it is almost impossible to find a form of words that the courts couldn't and wouldn't twist into unrecognizable shape.

RICHARD A. POSNER
Chicago, Illinois

I propose that a new sentence be added to the Ninth Amendment, so that it would read as follows: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. *And we really mean it.*" The Ninth Amendment makes it clear that there was an "original intent" that individual rights be construed broadly, not in the miserly fashion advocated by the Rehnquists and Meeses of the world.

GLENN HARLAN REYNOLDS
Washington, D.C.

In my heart I love the Constitution and believe it is a splendid document as is. However, given the low regard for human life of both the elderly and the unborn, it may be necessary to add an amendment guaranteeing as inviolate the life of all people.

PAT ROBERTSON
Virginia Beach, Virginia

I am ardently and vocally pro-choice, but even my two-month tenure in law school was more than enough to demonstrate that the Supreme Court's *Roe* v. *Wade* decision is seriously flawed, threatening to self-destruct under its own logic. I think it is time to pass a constitutional amendment clearly guaranteeing to women their right to abortion as a fundamental and basic human right of reproductive freedom.

JOHN SCHACTER
Arlington, Virginia

The Constitution presupposes that those who participate in the American polity will be informed, not ignorant. Unfortunately, the progressive extension of the franchise hasn't been matched by a concomitant rise in cultural literacy. Fortunately, there is a simple solution. To wit: we should limit the vote to those who pass a cultural literacy test.

ARNON D. SIEGAL
New Haven, Connecticut

My amendment would change the system we use to nominate presidential candidates: "The parties in the House of Representatives will nominate the candidates for President and Vice President and the field will be limited to the party's Governors and Senators."

ERIC STEEL
Oakland, California

"The Leadership of the opposition party in the Congress, or their designees, shall have the right to question the President or any member of the Administration before a joint session of the Congress at least one time per week whenever the Congress is in session."

MARK STERN
Orlando, Florida

Abolish the Electoral College, and in its place establish a system under which the President and the Vice President would be elected by direct popular vote.

RICHARD A. STIFEL
Washington, D.C.

The District of Columbia should become our 51st state. Creation of the state of New Columbia would reduce municipal corruption by putting it on the state level where it belongs.

RICHARD A. STIFEL
& CARL A. LICHVARCIK
Washington, D.C.

Ideally, amend the Constitution to change to the parliamentary system. Realistically, an amendment to require that treaty ratification can take effect with the approving vote of a constitutional majority of both houses, rather than the two-thirds approval of the Senate.

RICHARD L. STROUT
Washington, D.C.

I would like something aimed at reducing the corrupting influence of private campaign spending and counteracting Congress's unwillingness to take unpopular short-term actions for the long-term public welfare. The trick is how to do this without making things worse. Electing all members of Congress to four-year terms at the same time as the President might help, along with limiting private campaign spending.

STUART TAYLOR JR.
Washington, D.C.

I would restore federalism, one of our most basic constitutional principles, with a Federalism Amendment that would put back into the Constitution what activist judges have taken away—a *reasonable* amount of state sovereignty. It should clearly state that the Bill of Rights, intended originally to restrain *federal* power, is not legitimately incorporated in the 14th Amendment as a bar against *state* power, and that the federal judiciary, through its remedial powers, may not intrude into and manage the domestic affairs of the states.

PAUL M. WEYRICH
Washington, D.C.

Twenty-seventh Amendment: "Because this Constitution is an instrument of government designed only to assure the democratic disposition of power, the First Amendment of this Constitution is hereby amended by insertion of the words 'explicitly political' between the phrase 'abridging freedom of' and the word 'speech.' Furthermore, the First Amendment shall not be interpreted to restrict the right of the states to compensate persons who have been libeled and to punish the defendant with unrestricted punitive damages, notwithstanding the absence of a showing of actual malice."

GEORGE WILL
Washington, D.C.

Make voting mandatory.

GARRY WILLS
Chicago, Illinois

I would propose reviving James Madison's original plan to make representation in the upper house of Congress proportional to population. Madison dropped the idea when the small states threatened to leave the Convention. Now that the small states no longer pose a threat, we should return to Madison's initial, more equitable formulation.

ROSEMARIE ZAGARRI
Washington, D.C.

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"My job is to create pictures of things no one has seen before."

"The image shows pressure contours formed in the plume of a rocket engine.

"But it isn't a photograph. It's a graphic representation of hundreds of millions of computer calculations. The colors indicate different pressures in the rocket plume — an image no human eye has seen until now. The technique is called computational fluid dynamics.

"Boeing has pioneered this technology to design airliners that are quieter, fly farther and use less

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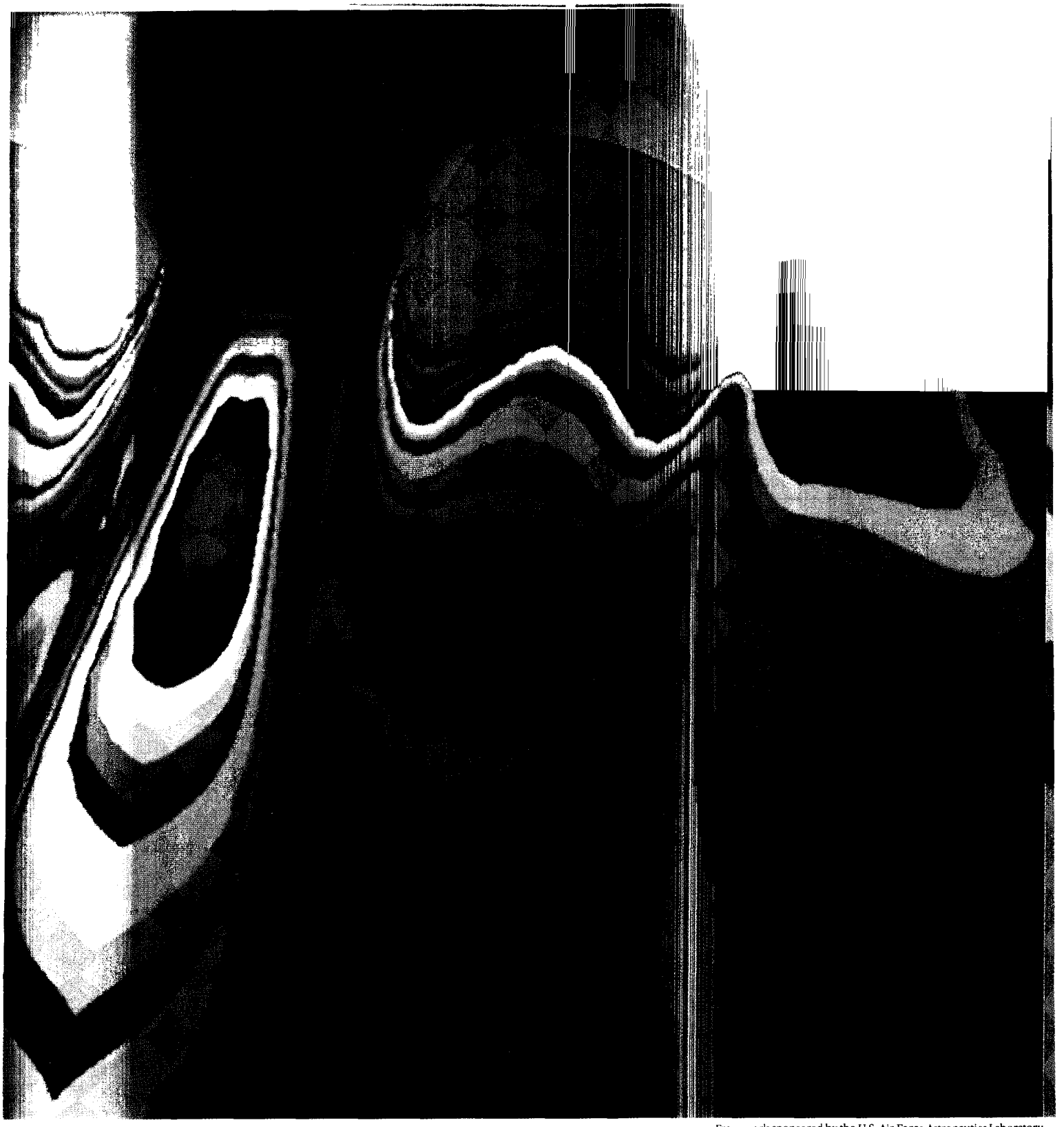

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fuel. And it helps us understand ultra-high-speed flight for future designs such as the National Aero-Space Plane — part spaceship, part airplane."

— J. Eric Holcomb
Senior Engineer, Flight Technology
Boeing Aerospace Company

At Boeing, we're sharing knowledge and integrating technology to create high-quality products and services. In aerospace, computer services, electronics and aviation. You can trust the people at Boeing to do it right.

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STANLEY KAUFFMANN ON FILMS

Comedians, Better and the Same

Roxanne
(Columbia)

Beverly Hills Cop II
(Paramount)

Said Max Beerbohm: "Even if *Cyrano de Bergerac* be not a classic, it is at least a wonderfully ingenious counterfeit of one." Max's apt remark was made about the French original; he dreaded the prospect of its translation. What he would have thought of *Roxanne* I shiver to think. I shiver especially because I liked the film. Steve Martin's updating and adaptation of the play, in which he stars, is entertaining—surprisingly so, because I wouldn't have expected Rostand to be transmutable and, in any case, would have thought Martin a remote choice to write and perform it. So much (in track terms) for my racing forms.

The first bump in the modern treatment of any familiar old work is its very familiarity. Years ago someone made a version of *Crime and Punishment* set in Southern California, complete with the student and his murder of an old woman. A friend of mine said he couldn't believe the film because that present-day student would have read *Crime and Punishment*. C. D. Bales, the updated Cyrano, is said to be a voracious reader. In addition, he has The Nose. How could he possibly not have known the Rostand play? Still, if we can move past that initial improbability, we get an improbable, funny contemporary romance.

That is the key quality retained from Rostand in Martin's script—romance. There is romantic longing, romantic response in *Roxanne*, and it's a refreshing change in an era when film couples go to bed soon after they meet, to find out if they like each other. A prime accomplishment of Martin's picture is that he and the director, Fred Schepisi, make the under-the-balcony yearning ring true in a modern setting.

That setting is a small town in Washington. (The film was shot in British Columbia, actually, but it's called Washington.) It's a clever choice because the mountain backgrounds add a gorgeous real-unreal touch. Bales is the local fire chief. Roxanne (Martin has given Rostand's heroine an extra "n"), played by Daryl Hannah, is a summer visitor, a student of astronomy who rents a house in the town where she can pursue her telescopic search for celestial discovery. Christian, called Chris and played by Rick Rossovich, is a new member of C. D.'s department, a strapping hunk who is shy with a girl if he really likes her. Bales is smitten by Roxanne but thinks his chances are nil because of The Nose. She is attracted to Chris, who is attracted to her but too shy to move. She asks Bales to help Chris get started. Out of love for her, Bales tries. The basic pattern of the original is followed until there is a major wrench: the plot is altered to give Bales a happy ending with Roxanne. Goodbye to the idea of love for its own sake. But, straining somewhat, we can accept the change because, first, most of the film is at least as farcically funny as it is romantic and, second, the last scene is a moment of realization for Roxanne—when she sees that Bales is worthy of her devotion despite his schnozzle. There's a hint of the last scene of *City Lights*.

Martin keeps some reminders of Rostand throughout, which will tickle those who know the play and will differently tickle those who don't. Bales, no hunk, is nonetheless good at acrobatics and karate instead of swordplay; these two skills give him a chance to display courage and win fights. The Ballade of the Duel, for instance, becomes a showdown with a lout in a saloon. Only one of the Rostand reminders jars. Under the balcony Bales says to Roxanne, "Your name is like a knife." That's an unkind cut to those who remember from high school: "Your name is like a golden bell . . . ."

The Australian director Fred Schepisi is just as surprising here as Martin. Schepisi's best previous work was the epic, elegiac *Chant of Jimmie Blacksmith*, after which he marched, sometimes staggered, through *Iceman* and *Plenty*. But there was no hint in either his better or worse work of the light touch and rowdy inventiveness that keep *Roxanne* floating even when it isn't funny or moving. The film is much helped by Hannah, who, though her body is like a pair of stilts in a dress, has a face so tender and so sexy that it verifies everything said here about her. Rossovich looks and acts like a model for sportswear. Shelley Duvall, whose absence has not been felt, is back as a transformation of Ragueneau the baker—she's the usual friendly type who runs the local coffee shop.

Martin is the big winner. He has tried before—and fumbled—what he accomplishes here: to establish a surreal being from the start and to carry the performance through at a figurative three feet off the ground. From his first scene, Martin not only tells us that this is going to be a non-realistic performance, he establishes, then sustains a gymnast-dancer mode, the bravado of a man with a disfigurement who has devised a carriage to help him rise above it. The embarrassment that has often clouded Martin's clowning here seems part of the *character*, part of Bales's sublimation. The

FILMS WORTH SEEING

My Life as a Dog. A 12-year-old Swedish boy learns about life and a couple of deaths in this delicate, funny, sad story. (Reviewed 5/25/87)

Rosa Luxemburg. Margarethe von Trotta's screenplay is not as good as her directing or Barbara Sukowa's performance, but they make this version of Luxemburg's life gripping. (5/18/87)

Tampopo. Wild Japanese comedy about, among other things, food, sex, a young widow who runs a noodle shop, and the truck driver who helps her to success. (6/1/87)

The Untouchables. Brian De Palma's wide-screen ode to the old-time gangster picture, done gorgeously. Robert De Niro (Al Capone) really scary, Kevin Costner (Eliot Ness) really staunch. (6/22/87)

SK

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least one can say of this performance is that it's the best Martin has done.

From one comedian a pleasant surprise, from another an unpleasant confirmation. Eddie Murphy, the wizard of whiz in *Trading Places* and *Beverly Hills Cop*, showed in his last film, *The Golden Child*, that he might merely be going into business, merchandising mannerisms and tricks almost independently of the picture he was in. Now confirmed. *Beverly Hills Cop II* is like a series of Eddie Murphy video bits or games or dolls strung together to give you Murphy impudence, cool stuff under fire, and grins.

The first *Cop* picture, after a blam opening, told a conventional police story with an unconventional edge: a trite yarn of a detective out to revenge a partner's death, except that this time he was from a city of mass (Detroit) operating in a city of class (Beverly Hills) and this time he was black. *Cop II* is just a platform for Murphy vaudeville. All the edge that came from those two contrasts in the first film has been lost in the second, not just because of repetition but because of the way the screenwriters, Larry Ferguson and Warren Skaaren, tried to compensate for the repetition—with added firepower and blood and car chases. (Oh, those car chases—in this film and hundreds like it. Those endless skids and collisions and narrow escapes and mowing-down of parking meters. No one is ever hurt, no driver or pedestrian, and no one ever says a word about the damage. The car chase has now become as formal as a ritual from Kabuki theater—and is much less exciting.)

In *Cop II* Murphy is out for vengeance again, with the same two sidekicks, a similar dumb police chief, a similar gang of clever murderous crooks, headed by a similar Germanic evil mastermind. Murphy has some funny lines and does some funny imitations and bits. The rest is noisy boredom, made irritating because a good talent is strapped to a golden Xerox machine that duplicates setups and box-office receipts. A big flop might shake Murphy up, make him and his advisers move forward. But he seems doomed to success.

CONSTITUTION III

POPULAR FICTION

BY EDMUND S. MORGAN

I.

THE BICENTENNIAL of the United States Constitution may be a unique historical event. Modern revolutions have generated constitutions in quantity, but these have seldom lasted long; the French Republic is already on its fifth. The United States is supposed to be a young country, but it has the oldest written constitution of any major power. The authors of the document would scarcely have predicted such a thing. James Madison, the principal author, confided to his friend Thomas Jefferson in October 1787 that he did not think it would be adopted, and that if it was adopted, it would not work.

Madison was wrong. Neither he (nor perhaps anyone else at the time) anticipated the way in which the Constitution, once adopted, could assimilate, in the name of "the people," a magical authority denied to any body of actual people, including the people who voted for it and the people elected to office under it. That Madison's miscalculation was shared by most members of the Constitutional Convention is evident in the reasons they offered for the Convention's failure to include a bill of rights in the document. A bill of rights, Madison and other Federalists argued, would be useless, because a bill of rights was an instrument by which the people, through their representatives, protected themselves from the government of a king who claimed authority directly from God. There was no point in a bill of rights where there were no antagonists. The government of the United States would be a government of the people by the people. If the people did not want to limit themselves by the self-denying prohibitions contained in a bill of rights, there was no use trying to make them do so. If you did, the people would wipe out the prohibitions whenever they had a mind to.

That kind of reasoning could just as well have been applied to the Constitution itself. Some Federalists did apply it that way, saying that the whole Constitution was a bill of rights, in which the people specified the way they would govern themselves: they would do in their government only what they said they could do in the Constitution (though they could extend their powers as governors any time they felt like it). Such reasoning had a certain plausibility in a country that had been making and breaking governments for more than a decade. The Declaration of Independence had posited a contract between the people and their former royal government, a contract that the government had broken, thus releasing the people from any obligation to it. The implication was that the people could act apart from their government—to create government, to instruct it, to alter it, to discharge it. From here it was only a short step to the assumption that the people could themselves operate the government they created. Hence the superfluousness or the futility of a bill of rights, in which the people would forbid themselves to do what they might nevertheless decide to do tomorrow.

The trouble with the argument was that it proved too much. If a bill of rights was futile and the whole Constitution was a bill of rights, then the whole Constitution was futile. Madison did not really think it was futile. He took it upon himself to draft the bill of rights that was added to the Constitution as the first ten amendments. In doing so he had to assume that the Constitution, affirming itself to be the supreme law of the land, embodied the sovereignty of the people in some mysterious way that the

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subsequently elected representatives of the people could not share.

THAT THE people considered in one way should be able to overrule the people considered in another way is mysterious only because we often attribute to the people a literal, concrete existence that they cannot possess. The conceptions on which popular constitutional government rests have always been subject to derision because they seem to treat as though they were real events that did not happen, such as social contracts occurring in an unrecorded immemorial past that unaccountably bind unborn generations. When the English Parliament first began to affirm the sovereignty of the people against the king in the 1640s and '50s, Sir Robert Filmer (defending the equally fanciful divine right of kings) mocked the very idea.

If there was such a thing as the people, Filmer pointed out, it was "a thing or body in continual alteration and change, it never continues one minute the same, being composed of a multitude of parts, whereof divers continually decay and perish, and others renew and succeed in their places." It followed that "they which are the people this minute, are not the people the next minute." Such an evanescent body could scarcely have a mind of its own, or construct or run a government, or enter into a contract that would instantly expire along with its transitory authors. Filmer was doubtless right, if the idea of the people is taken literally. But there stands the Constitution, with its bill of rights, intact after 200 years. It is still regarded as a valid expression of what the American people want today, superior to any law passed by their representatives fresh from the hustings.

The Constitution survives, it occupies the place it does, because it is not in any literal sense the act of the people, and never was. For the people as such are incapable of acting. The convention that drafted the Constitution was not even popularly elected, and the Constitution was adopted only by narrow majorities in ratifying conventions whose members were elected by no more than 20 percent of the inhabitants of the United States at the time. But even if it had been signed in person by every man, woman, and child in the country in 1789, that would scarcely have entitled it to the recognition it enjoys as a supreme mandate emanating from, and binding upon, the 240 million Americans present in the country 200 years later. It has become the will of the people only by virtue of an unspoken agreement to accept it as such, an agreement expressed in a continuing tacit (and frequently uninformed) acquiescence rather than in any explicit declaration at a particular time and in a particular place.

Tacit acquiescence has proven a far more potent support for the Constitution than anyone could have expected. The people to whom we attribute its existence and its supremacy over ordinary legislation are not one thing this minute and another the next. Instead, like the king to whose sovereignty they succeeded, they never die and they can do no wrong. They exist not as flesh and blood but as a construct of the imagination, as a fiction about which we actual people willingly suspend our disbelief, as an ideal collective being that we endow with an authority and an endurance beyond the reach of mortal men and women.

The Constitution, as the work of such a being, has taken on the character of holy writ. And like the human authors through whom the words of deity have been transmitted, the human authors of the Constitution have assimilated some of the majesty of their hypothetical prototype. They are the Founding Fathers, the Moses and the Samuel, or the Matthew, Mark, Luke, and John, of popular sovereignty. Or should we say they are the Joseph Smith and Brigham Young? For unlike the authors of the Old and New Testaments, the Founding Fathers are well-known historical figures. It is possible to learn a great deal about their lives. They wrote the Constitution at a particular time and in a particular place, under circumstances that can be examined in detail. The "ancient constitution" of England, under which Americans lived before independence, was unwritten, its origins shrouded in the unrecorded actions of a fictional Anglo-Saxon people in a fictional Anglo-Saxon past, its very existence no more than a tradition. The new Constitution was taken to be the act of an equally fictional American people—but of a people able to act through not-at-all fictional individuals with familiar names such as James Madison, Gouverneur Morris, and James Wilson, whose motives and reasoning can be probed through the records and correspondence they preserved.

The result has been a curious ambivalence in American attitudes toward the Constitution and its framers. On the one hand the Constitution is a given, the supreme law of the land, embodying all-but-eternal verities and sanctioned by an almighty power that cannot be seen or heard or felt; on the other hand, it can be recognized as a work performed at a particular time and in a particular place, not necessarily suited to circumstances that have arisen since. On the one hand, any statement by one of its authors is to be treated as an utterance ex cathedra; on

BOOKS DISCUSSED IN THIS ESSAY

A Machine That Would Go of Itself: The Constitution in American Culture
by Michael Kammen
(Knopf, 532 pp., $29.95)

Supplement to Max Farrand's Records of the Federal Convention of 1787
by James Hutson
(Yale University Press, 512 pp., $45, $13.95 paper)

Decision in Philadelphia: The Constitutional Convention of 1787
by Christopher Collier and James Lincoln Collier
(Random House, 331 pp., $19.95)

A More Perfect Union
by William Peters
(Crown, 294 pp., $22.50)

The Founding: A Dramatic Account of the Writing of the Constitution
by Fred Barbash
(Simon and Schuster, 256 pp., $17.95)

The Genius of the People
by Charles L. Mee Jr.
(Harper & Row, 348 pp., $19.95)

Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States, 1607-1788
by Jack P. Greene
(University of Georgia Press, 288 pp., $30)

Are We To Be a Nation? The Making of the Constitution
by Richard B. Bernstein, with Kym S. Rice
(Harvard University Press, 342 pp., $35, $14.95 paper)

Witnesses at the Creation: Hamilton, Madison, Jay, and the Constitution
by Richard B. Morris
(Holt, Rinehart and Winston, 279 pp., $16.95)

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the other hand, the very exaltation of the authors invites the exposition of their human frailties.

Some of these ambiguities, as they have operated over two centuries, are explored in a remarkable new book by Michael Kammen, *A Machine That Would Go of Itself: The Constitution in American Culture*. As his subtitle suggests, Kammen has directed his attention not to the operation of the Constitution in law and public policy, but to the place it has occupied "in the public consciousness and symbolic life of the American people." Instead of tracing the evolution of the Supreme Court's constitutional decisions, he has examined what people, high and low, had to say outside the courts about the Constitution in every period from 1789 to the present. The reader may at first be overwhelmed by the sheer volume and variety of statements that Kammen has unearthed, but a picture gradually emerges; and, like the image in a pointillist painting, it is a picture of contrasting light and shadow.

Kammen stresses the tendency of Americans to idolize the Constitution without much knowledge of its provisions. It did not achieve its elevated position in the popular mind during the lifetime of most of the Framers. "I cannot meet with a man who loves it," Benjamin Rush confided to John Adams in 1808. "It is considered as too weak by one half of our citizens and too strong by the other half." The 50th anniversaries of its drafting and adoption passed without extensive celebration. It was only gradually transformed into the symbol of patriotism it has remained. The process reached a high point in the 1890s, with what Kammen calls "the cult of the Constitution." By the sesquicentennial in 1937, facsimiles of the document were exhibited in specially constructed "shrines" throughout the country.

But even as the Constitution and its Founding Fathers were ascending to glory, they came under increasing critical scrutiny from historians, political scientists, and other intellectuals. As the Supreme Court undertook to speak the will of the people through its constitutional decisions, those who suffered from the decisions began to question the motives not only of the court, but of the Founding Fathers as well. The most influential critic was Charles Beard, whose *Economic Interpretation of the Constitution* appeared in 1913. It portrayed the Founders as motivated less by patriotism than by the wish to see public securities appreciate in market value. Beard's specific findings have since been faulted, but his work probably did more than any other to foster examination of the Constitution and its authors in their immediate context. In the past 50 years the examination has proceeded with less acerbity and more sympathy, but still in isolation from the unthinking public adulation of the Constitution, the Founding Fathers, and even the Supreme Court.

Since the gulf between these two attitudes—between realism and reverence—is a reflection of the difference inherent in the Constitution itself between the will of an ideal people and the actions of actual people, both attitudes are likely to continue. But they do intersect, especially in discussions, whether in or out of court, about the intentions of the Founders.

Such discussions are often no more than efforts to enlist the Founding Fathers posthumously on behalf of some contemporary cause. Even the judges who invoke the intent of the Founders in judicial decisions seldom show any serious disposition to study the history they cite with such assurance. The Founders themselves would probably be dismayed by this attention to their intention, since their own canons of legal interpretation, as H. J. Powell has recently shown, eschewed reliance on the intent of legislators. But as historical human beings, the Founders offer a unique access to the ahistorical sovereign people whose will is embodied in the Constitution. Debates over the meaning of a particular clause invariably turn to the Founders' intent. Through them, as well as through the words they indited, the American past impinges on the present in a way that can scarcely be matched in countries where the government is not obliged to justify its actions by reference to a document two centuries old.

The Forging of the Union, 1781-1789
by Richard B. Morris
(Harper & Row, 464 pp., $25)

Novus Ordo Seclorum: The Intellectual Origins of the Constitution
by Forrest McDonald
(University Press of Kansas, 362 pp., $25, $9.95 paper)

Encyclopedia of the American Constitution
by Leonard W. Levy, Kenneth L. Karst, and Dennis J. Mahoney
(Macmillan, 4 vols., 2,196 pp., $320)

The Founders' Constitution
by Philip B. Kurland and Ralph Lerner
(University of Chicago Press, 5 vols., 3,520 pp., $250)

The Constitution in the Supreme Court: The First Hundred Years, 1789-1888
by David P. Currie
(University of Chicago Press, 506 pp., $55)

The Enduring Constitution
by Jethro K. Lieberman
(West Publishing Co., 483 pp., $29)

We Hold These Truths: Understanding the Ideas and Ideals of the Constitution
by Mortimer J. Adler
(Macmillan, 288 pp., $16.95)

Taking the Constitution Seriously
by Walter Berns
(Simon and Schuster, 288 pp., $19.95)

The Establishment Clause: Religion and the First Amendment
by Leonard W. Levy
(Macmillan, 236 pp., $16.95)

The First Liberty: Religion and the American Republic
by William Lee Miller
(Knopf, 373 pp., $24.95)

II.

TWO CENTURIES of government under the Constitution have generated more reverence for the document than they have understanding of its contents. The bicentennial promises to be somewhat more instructive than previous celebrations, for it has already sparked a multitude of scholarly enterprises that could make the intent of the framers more accessible to anyone who cares to study it, whether in original sources or in secondary accounts.

The Convention of 1787, of course, must be the center of attention. What better evidence can we have of what was intended than the speeches in which the delegates argued out the provisions? Unfortunately, there is no complete record. Although the secretary of the Convention kept notes of the speeches, he did not make them public, and every effort to track them down has proved fruitless.

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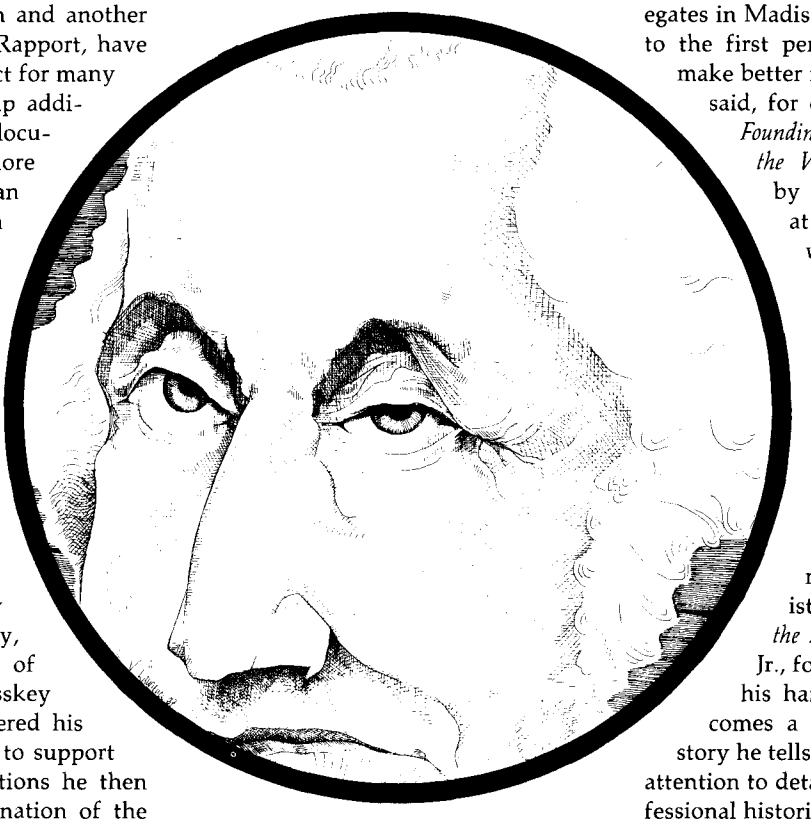
Fortunately James Madison also kept notes, and these have been available ever since their publication in 1840, four years after Madison's death. A few other members kept fragmentary notes of the proceedings, and all of these that could be found, along with Madison's, were published by Max Farrand in three volumes in 1911 (*The Records of the Federal Convention of 1787*). In 1937 Farrand published a fourth volume of materials that had turned up during the intervening years. Now Farrand's edition is being reprinted with the fourth volume revised and enlarged by James Hutson, the chief of the manuscripts division at the Library of Congress. Hutson and another archival scholar, Leonard Rapport, have been at work on this project for many years; they have turned up additional notes and other documents that will give us more complete information than has ever before been available.

Hutson's presentation of new documents, however, is only one, and perhaps not the most significant, of his achievements. In the introduction to his volume, and in an article in the *Texas Law Review* for November 1986, he has put an end to the doubts, raised most insistently by the late William Crosskey, about the authenticity of Madison's notes. Crosskey charged that Madison altered his notes in later life in order to support the partisan political positions he then espoused. Hutson's examination of the original documents establishes their integrity beyond question. At the same time Hutson utters a caution against treating Madison's or anyone else's notes as a literal transcription of what was said. Through a simple experiment in the taping of group discussions, he concludes that the words Madison recorded could not, at a generous estimate, have amounted to more than ten percent of what was spoken.

Madison's notes nevertheless remain the most complete single record of the speeches at the convention, and every secondary account rests heavily on them. No secondary work based on them can compare with the original in the sense it conveys of the most exciting meeting of minds in American history. But skillful evocation of the personalities and issues involved can help to bring the scene to life, and there have been many skillfully wrought narratives. Farrand himself wrote one of the best, *The Framing of the Constitution of the United States* (1913). Carl Van Doren, in *The Great Rehearsal* (1948), told the story in a way that expressed his hope that the new United Nations would do something comparable to what the Americans had done at Philadelphia. Though that hope now seems forlorn, if not quaint, Van Doren's account is perceptive, and has been reissued for the bicentennial. Another well-wrought scholarly account, about to be reissued, is



1787: The Grand Convention (1966) by Clinton Rossiter, a conservative historian who had worked extensively in the period.

Among the new accounts generated by the bicentennial, *Decision in Philadelphia* by Christopher and James Collier is thus far the best. Christopher Collier is a professional historian and brings to his work a wide knowledge of the period. He and his brother have organized their book around the issues that divided the members of the Convention, avoiding (or evading?) the chronological imperative that guides most historians. In dealing with the course and outcome of each debate, they furnish us with incisive biographical sketches of the chief participants, and of the character and personality traits exhibited in the stands they took: James Madison's mistrust of power, William Paterson's fear of disorder, George Mason's mistrust of other people. The result is engaging and instructive.

Three other new accounts of the Convention are somewhat less instructive. In *A More Perfect Union*, William Peters, a television producer, director, and writer, proceeds on the assumption that previous studies have been too analytical and insufficiently dramatic. His day-by-day account certainly eschews analysis, but the dramatic quality seems to consist largely in translating the speeches of delegates in Madison's notes from the third to the first person. The original notes make better reading. The same can be said, for different reasons, of *The Founding: A Dramatic Account of the Writing of the Constitution* by Fred Barbash, an editor at the *Washington Post*, who discovered Madison's notes in 1983 while preparing a news analysis. His desire to share the "wonderful and suspenseful political story" led him to tell it in his own words, an account that features the one-line paragraph as a dramatic device. A more successful journalistic entry is *The Genius of the People* by Charles L. Mee Jr., former editor of *Horizon*. In his hands the Convention becomes a human interest story, a story he tells with great skill and with attention to details of daily life that professional historians would consider irrelevant but that evoke the scene and the men in the way only a good storyteller can: Madison's "candle burning by his bed through the night," Washington's coach with leather-lined doors that closed "with a precision-crafted click," Franklin's copper bathtub with its book rest. Such images tell us nothing of the intent of the Framers, but they do say something about their human qualities.

These volumes focus on the Convention, with minimal attention, except in biographical sketches, to preceding events and developments. Several new books deal with such developments, treating the Convention as the outcome of forces at work over a long period. Jack P. Greene, in *Peripheries and Center: Constitutional Development in the Extended Politics of*

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the British Empire and the United States, 1607-1788, takes the longest view. He sees the Americans of the 1780s as inheritors of a problem that had existed from the founding of England's American colonies: the problem of reconciling local law and custom with central control. Throughout the colonial period the ultimate location of sovereignty remained undefined, complicated moreover by the contests between king and Parliament. The American Revolution signaled England's failure to deal effectively with the problem.

For Americans the problem did not disappear with independence, as the Civil War attests. But Greene credits the Constitutional Convention with inventing "a radical new scheme of governance whereby the basic powers of sovereignty could be divided without dividing sovereignty itself." That indeed is what the Federalist advocates of the Constitution claimed to have done. Sovereignty, they insisted, lay not in any government, but in the people, who parceled out their powers as they saw fit among the states and the national government. Still, as anti-Federalists recognized, this radical new scheme involved some sleight of hand in attributing to a fictional people powers that could be exercised only by fallible individuals. Greene appears to accept the Federalist claim at face value, but his analysis of the problem as it developed over two centuries is replete with perceptions derived from a lifelong study of colonial legislative history.

A view of the antecedents of the Convention from a shorter range can be found in a book growing out of a fine exhibition at the New York Public Library. *Are We To Be a Nation? The Making of the Constitution* by Richard B. Bernstein with Kym S. Rice is much more than a guide to the exhibition; nor is it simply a coffee-table book. It offers a comprehensive overview, based on the latest scholarship, of the stormy decade preceding the Convention, and it carries the story through the process of ratification and the adoption of the first ten amendments. Lavishly illustrated and clearly written, it suggests the kind of opportunity the bicentennial offers for expanding public understanding.

BERNSTEIN and Rice pay tribute throughout to the indefatigable Richard B. Morris, who probably knows more about the 1780s than any other living scholar. Morris himself has contributed two new books on the period. The

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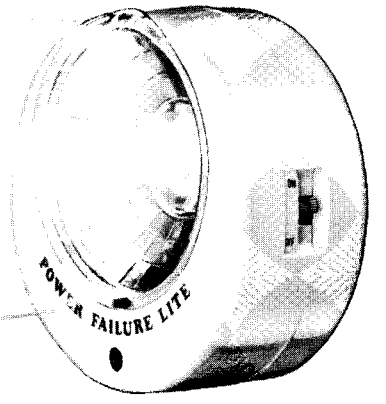

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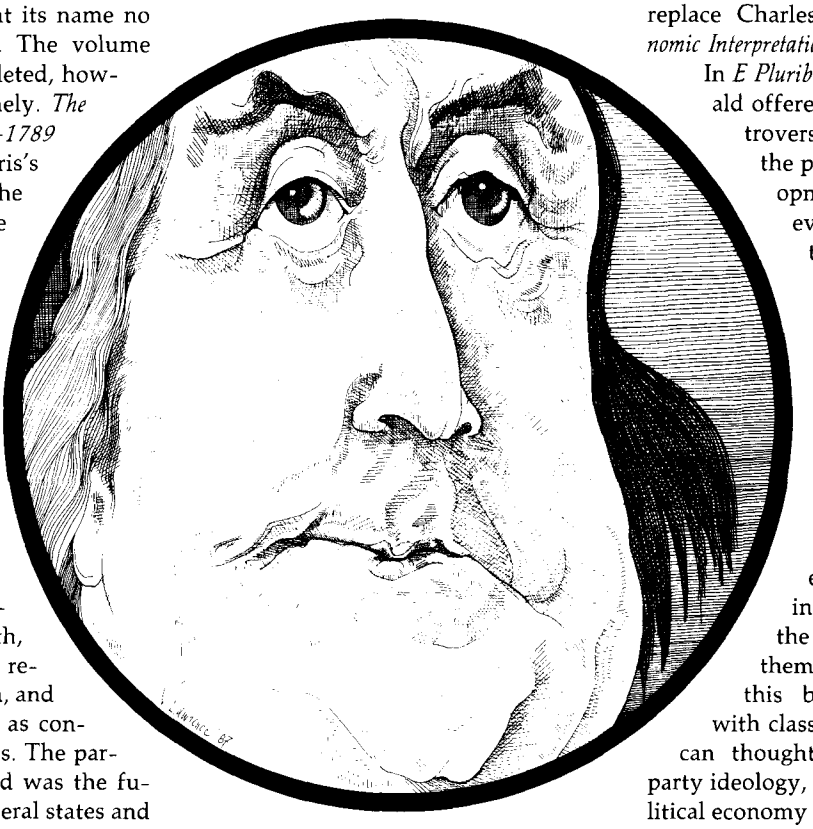
first, *Witnesses at the Creation: Hamilton, Madison, Jay, and the Constitution*, is a popular account of the three authors of *The Federalist*, the classic defense and analysis of the Constitution that was written to help secure its ratification in New York. The book focuses neither on the Convention nor on *The Federalist*, but on how the previous careers of the three men affected the roles they played in creating the national government. Morris's second book, a much more impressive performance, is a volume in the ongoing "New American Nation" series, which Morris and Henry Steele Commager have promoted and edited for so long (since the early 1950s) that its name no longer seems appropriate. The volume that Morris has just completed, however, is both new and timely. *The Forging of the Union, 1781-1789* relies not only on Morris's extensive knowledge of the sources, but also on the abundance of articles and monographs dealing with the period from the time when professional historians began to treat it until last year.

Morris offers a broad history of the designated years, surely the most informed and most judicious single account yet written, furnishing details of demographic growth, cultural activities, social reform, military organization, and economic activity, as well as congressional and state politics. The paramount issue of the period was the future relationship of the several states and their peoples, and it impinged on nearly everything else that was happening. While doing justice to previous interpretations, Morris does not hesitate to take a decisive stand on the various questions surrounding this issue. Going beyond his prescribed dates, he begins by arguing that the union achieved during the Continental Congress in 1774 preceded the formation of the state governments, that the Congress presided over their formation and in 1775 and 1776 acted as a national government superior to them. After 1781, with the war effectively ended and independence won, it was a different story. Morris rejects the argument, still fashionable in many quarters, that the 1780s were a period of prosperity during which popular liberties and national pride flourished under state governments without benefit of the central control provided by the Constitution. The period he gives us is one of severe economic depression, which lifted only with the creation of an effective central government under the Constitution.

Morris traces in some detail the ways the several states developed for giving popular sovereignty a foothold in reality: the elevation of constitutions above ordinary legislation, especially by means of special constitutional conventions and the submission of their products to popular vote; and the beginnings of judicial review, the necessary outcome of this elevation, also at the state level. But he has no illusions about the literal meaning of "We the People." Government remained, before and after 1787, in the hands of an elite. Political participation scarcely existed for blacks, women, and Indians. And what Morris calls the "cautiously transforming egalitarianism" of the Revolutionary period subsided in the decades immediately following. Neither the New Left nor the New Right will find much comfort in these pages, for Morris eschews the stereotypes of the period that are beginning to characterize both schools. Morris sees the Constitution as a decided victory for good sense and for popular sovereignty, but he wears no rose-tinted glasses.



Neither does another well-qualified scholar who brings to the Constitutional Convention a somewhat different perspective. Morris deals principally with institutions; Forrest McDonald, in *Novus Ordo Seclorum: The Intellectual Origins of the Constitution*, is concerned only with ideas. This focus is not for lack of a much larger understanding of the origins of the Constitution. In his first book, *We the People*, which appeared in 1958, McDonald exhaustively analyzed the economic interests not only of the members of the Philadelphia convention but also of every member of every state ratifying convention. The result was a highly complex picture that served to discredit and replace Charles Beard's simplistic *Economic Interpretation of the Constitution*.

In *E Pluribus Unum* (1965), McDonald offered a lively and often controversial narrative account of the political events and developments of the 1780s that eventuated in the Constitution. With these works behind him, he is able to go directly to the ideas and assumptions that informed the proposals and counterproposals and decisions made at Philadelphia. He emphasizes what most previous analyses have scanted, the legal experience and the understanding of English law that the members brought with them; but he also shows how this blended in their minds with classical and Puritan republican thought, with English country party ideology, and with ideas about political economy that were becoming popular in 18th-century Britain and France.

McDonald neither slights the significance of this intellectual milieu nor considers it a sufficient explanation for the positions taken by the various members of the Convention. He has always been wary of philosophical explanations for actions explicable by common sense, and he has always been quick to discover the political wheeling and dealing behind the decisions of any collective body. Those who go to his book for assurance about what the Framers intended by any particular provision of the Constitution will come away disappointed. After surveying their differing opinions about politics and political theory, he concludes that "it is meaningless to say that the Framers intended this or that the

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Framers intended that: their positions were diverse and, in many particulars, incompatible." But for an understanding of what particular Framers may have had in mind when they said this or that, his book is the best guide available.

THE BOOKS by Kammen, Greene, Morris, and McDonald would be significant contributions to scholarship whenever they appeared, and they would all have appeared without the incentive of the bicentennial. But we can credit the bicentennial for two noteworthy enterprises that may have a more lasting influence on those, whether laymen or jurists, who seek occasional guidance to what the Constitution says and what the courts have said it says. In the four-volume *Encyclopedia of the American Constitution*, Leonard W. Levy, Kenneth L. Karst, and Dennis J. Mahoney have commissioned, written, and assembled articles by constitutional scholars on every topic they could think of relating to the Constitution. What they could think of includes court cases, such as *Miranda* v. *Arizona*, and constitutional doctrines arising out of cases, such as Miranda Rules. There are biographical sketches of Convention members, Supreme Court justices, and other historical figures whose ideas may have contributed to constitutional thinking: Roger Williams and John Lilburne, William Blackstone and William Pitt, as well as modern figures such as Alexander Bickel and Louis D. Brandeis. And there are discussions of controversial areas in which public policy has affected or been affected by the Constitution: polygamy and pornography, sedition and secession, vaccination and vagueness. The lengths of the articles vary from, say, half a column for Bickel to eight columns for Brandeis.

An equally ambitious work with the potential for a larger impact is a five-volume anthology assembled by Philip B. Kurland and Ralph Lerner from materials already in print but not readily accessible. *The Founders' Constitution* attempts to present the views expressed on constitutional problems not only by the Founders themselves, both before and after the Convention, but also by their predecessors in England and England's American colonies and by others of their generation up through 1835, a date fixed by the death of John Marshall in that year and of James Madison in 1836. After a first volume dealing with "Major Themes," keyed to the preamble, the anthology proceeds through the Constitution and its first 12 amendments clause by clause, with excerpts from British and colonial documents of the 17th and 18th centuries; discussions in the Philadelphia Convention and the state ratifying conventions; newspaper articles; debates in Congress over legislation; and judicial decisions and systematic commentaries by such early authorities as William Rawle and Joseph Story. Historians may quarrel with some of the selections from the two centuries before 1787. With so much to choose from, any choice is likely to appear partial or capricious. But the great bulk of material under every heading is from 1787 onward, and is directed specifically to the particular clause of the Constitution under which it appears.

Even though the selections are necessarily taken out of the context in which they were generated, they furnish so immediate an access to the way the Founders' generation understood the Constitution that one wonders why nobody ever thought of doing the job before. In recent years concern with the intent of the Founders has become a hallmark of judicial conservatism, and the editors of these volumes have long been placed in that category. But they recognize the complexity of the problem, and the documents they have presented cannot fail to bring a greater understanding of it to anyone who takes the trouble to use their work. Familiarity with its contents will not result in any judicial consensus about the intent of the Founders, for it will make it apparent that their intent was as varied and as subject to interpretation as the Constitution itself. But a more informed awareness of that fact might result in greater judicial caution in reasoning from baseless suppositions about what the Founders "really" intended.

III.

IT ALMOST GOES without saying that the history of the Constitution is very much a history of judicial decisions. It is one of the ironies of the constitutional system that the least popular branch of government has become the final arbiter of what the people have dictated. Judicial review of legislation is inescapable under a constitution that has been recognized as the supreme law. The courts must measure what the elected representatives of actual people say in ordinary legislation against what the sovereign but otherwise silent people

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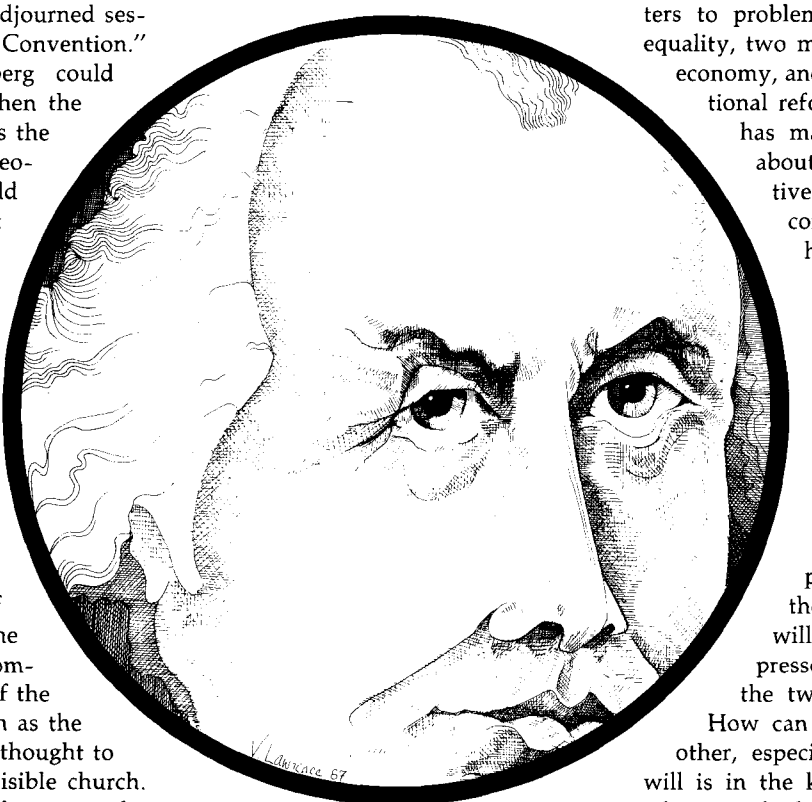
have said in the Constitution.

Unfortunately, what begins as measurement can become an act of creation. The courts may exercise "judicial restraint" in allowing legislatures the benefit of the doubt in difficult cases, but such restraint is up to the courts themselves. And despite episodes of popular discontent with judicial decisions that seem to thwart majority rule, the Supreme Court has become enshrined in the same gallery with the Founding Fathers, far above the day-to-day doings of legislatures. Michael Kammen traces the sanctifying process in such encomiums as that of Newton D. Baker in 1932, hailing the Court as "an adjourned session of the Constitutional Convention." Senator Arthur Vandenberg could even say in 1937 that "when the Supreme Court speaks it is the Constitution—it is the people—speaking." There could scarcely be a more explicit way of recognizing the difference between the fictional people whose will is embodied in the Constitution and the real people who elect congressmen, senators, and presidents—but not Supreme Court justices.

Although the two are different and distinct, they need not be at odds. Ideally the enduring will of the fictional people in the Constitution should encompass the momentary will of the legislative majorities, much as the eternal invisible church is thought to encompass the temporal visible church. But if the Founding Fathers are the prophets and the apostles of popular sovereignty, the members of the Supreme Court are its high priests. Their glosses guide its application. It is possible to argue about the intent of the Founders, to question the Court's reading of their words; but if the legislature's reading is at odds with the Court's, it is the legislature that gives way.

To know what the Constitution requires and how it has shaped the structure and policies of government, one must go to judicial decisions; and two new books do so with extraordinary clarity. *The Constitution in the Supreme Court: The First Hundred Years, 1789-1888* by David P. Currie, a professor at the University of Chicago Law School, is a case-by-case account of decisions affected by the Constitution under the Court's first six chief justices: Jay, Ellsworth, Marshall, Taney, Chase, and Waite. In good professorial fashion Currie judges the judges, dissecting the issues in crisp legal prose and commending or scolding individual justices as he finds them applying specific clauses appropriately or inappropriately to the situations before them. His time period does not bring him to the most controversial years of the Court's forays into what became known as "substantive due process," but he makes no secret of his conviction that "judges have no right to ignore constitutional limits with which they disagree" and "no more right to invent limitations on legislation not found in the Constitution." In covering the better part of a thousand cases, he finds plenty of occasions when the court "made mountains out of constitutional molehills," thereby directing legislative policy in a way that was scarcely justified by strict attention to what the Constitution specified, rather than what it could be imagined to imply.



A more comprehensive survey of what the Constitution says and what the courts have made of it is furnished by Jethro K. Lieberman, also a lawyer and legal scholar, in *The Enduring Constitution*. Lieberman begins with a brief but well-informed account of how the Constitution came into being, and then examines the structure of government—executive, legislative, and judicial—as it has developed over the last 200 years. With this foundation established, he devotes the rest of the book to the substantive issues that have engaged the attention of government and to the way the Constitution, as interpreted by the courts, has affected them. Among the major topics he deals with are the rights guaranteed under the first ten amendments and the extension of those amendments to apply to the state governments by their "incorporation" into the 14th Amendment over the past 60 years. He devotes a chapter to slavery and its abolition, two chapters to problems of racial and sexual equality, two more to business and the economy, and a final one to constitutional reforms. Along the way he has many wise things to say about judicial review, substantive due process, and other controversial matters that have accompanied the operation of government under the Constitution.

What emerges from these two thoughtful, lawyerly studies is a strong sense of the uncertainties, not to say conflicts, inevitably generated at the intersection of the will of the people as expressed in the Constitution and the will of the people as expressed in legislation. How do the two relate to each other? How can one be superior to the other, especially when the superior will is in the keeping of nine persons who serve for life and never have to face a popular election? The question presses only when the nine justices, in overturning legislation, appear to go beyond the clear and commonsense meaning of the Constitution. Currie reduces the difficulty to its simplest terms when he writes that "when a judge swears to uphold the Constitution, he promises obedience to a set of rules laid down by someone else"; but he discloses the complexity behind that promise when he writes that "the point is only that it is just as inappropriate for a judge as it is for a legislator or an executive to substitute his judgment for that of the 'People of the United States' in any case in which the latter can fairly be ascertained."

Currie wisely puts "People of the United States" in quotation marks, for

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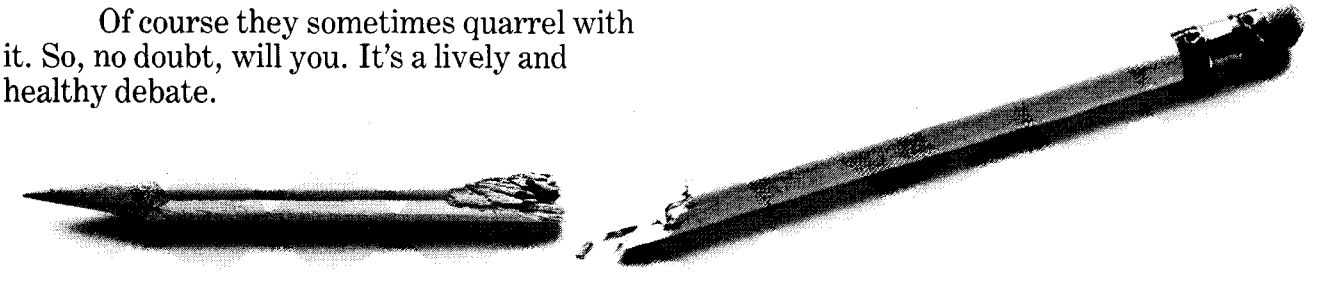

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he does not himself presume to go beyond the directives proclaimed by "We the People of the United States" in the Constitution. In handing down his judgments on the performance of different justices, he gives high marks to those who heeded "the commands of the people," as expressed by the Constitution, particularly commending those who conscientiously attempted to discover the intent of the Framers. Lieberman would probably agree with most of Currie's valuations of judicial behavior, for he too believes in judicial restraint. But he offers some searching comments on the consequences of judicial review in cases where the courts find in the Constitution commands of the people that would mystify living human beings. Popular reaction to such decisions has only occasionally been outrage. More often it has been apathy or resignation. "The danger," says Lieberman, "is not merely that the judges will thwart majority will. A far more insidious peril is that we will forget as a people the calling of politics and the necessity of political action. Judicial review may sap the moral sense that we the people are responsible for the conduct of public affairs and that what we and our representatives do matters."

IV.

A HORTATORY TONE marks a number of the books growing out of the bicentennial of the Constitution, none more than two by political philosophers who instruct us with all the certitude of theologians about the origins of the Constitution and what that document requires of us. Mortimer J. Adler's *We Hold These Truths* comes with a foreword by Justice Harry Blackmun enjoining our "duty to read and to learn" from it; and the author himself tells us that his aim is no less than "to set forth what every citizen, both young and old, should know about the ideas and ideals of the Constitution." Adler long ago identified the major ideas generated by the human race, and he easily extracts and explains those to be found both in the Constitution and in the Declaration of Independence. (The book is an updated rerun of one prepared for the bicentennial of the Declaration.) He does not purport to supply "matters of fact," but his explanations often rest uneasily on non-facts treated as facts.

Adler tells us, for example, that the Declaration of Independence in 1776 created 13 separate, sovereign states, each (in the Declaration's own words) with "full power to levy war, conclude peace, contract alliances, establish commerce," and that in 1789 the Constitution took these powers from the states and conferred them on the previously nonexistent government of a previously nonexistent nation. But if a nation or a national government did not exist in 1776 or even, as Adler insists, in 1787, surely there was something that acted as though it existed. It was not the sovereign states but something calling itself the United States that levied war against Great Britain in 1776, that contracted an alliance with France in 1778, that made peace in 1783. What happened in history seldom fits the neat categories dear to philosophers. Adler has a great many things to say, and says them very firmly, about the rights and duties of the people under the Constitution, but his conceptions of who and what the people are rely on a history that many historians will not feel comfortable with.

Walter Berns, in *Taking the Constitution Seriously*, shows more familiarity with, and more respect for, the facts of history, and he supplies many more of them, including facts having to do with the growth of a nation before 1776. But he, too, knows exactly what the Constitution requires. Unlike governments resting on divine right, "Constitutional government leaves men alone to the extent that it can; it certainly does not meddle in their private lives, and it gives an extensive definition of what is properly private." The Framers of the Constitution, he argues, designated the courts as the guardians of the private area, while they assigned to the rest of the government the task of caring for the minimal common concerns requiring government action.

The extensive and forceful exposition of this distinction is a prelude to what appears to be the main thrust of the book: a condemnation of the national government for failing, over the past century, to honor that distinction. The trouble began with the 14th Amendment. Berns faults the legislative branch for not giving precise definition to the "privileges or immunities" that the amendment protects. But his greatest contempt is reserved for the Supreme Court, which he accuses of interpreting the amendment and the rest of the Constitution to create new rights of privacy unknown to the Framers. In its decisions extending the safeguards of the first ten amendments to the state governments it has treated interests as rights, and prevented the proper representatives of the people from fulfilling their function to care for common concerns.

The Court has perhaps invited these strictures with some of its decisions. It is difficult, for example, to defend the Court's discovery of "penumbras, formed by emanations" from the Constitution, that can override statues. As Berns sees it, the Constitution "owes its authority to the fact that it was established by the people," and the people charged the Court "with the task, not of keeping the Constitution in tune with the times but, to the extent possible, of keeping the times in tune with the Constitution." It sounds beautifully simple. But are the people who established the Constitution and so charged the Court identical with the people who give it authority today? And are public and private so easily distinguished?

THE COMPLEXITY of the interplay between active popular participation in government and tacit popular acquiescence in a set of ground rules laid down in the distant past by a fictional people who never die and who do no wrong—this complexity is suggested, finally, by some recent books that deal with the way the Constitution relates to religion. As it emerged from the Philadelphia Convention, the Constitution contained only a single reference to religion, in the clause stating that "no religious test shall ever be required as a qualification to any office or public trust under the United States." The First Amendment, adopted in 1791, adds that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." These prohibitions applied only to the federal government. In 1791 most of the states required a belief in Christianity (five of them in Protestant Christianity) for anyone holding public office. Three of them had what were considered at the time to be establishments of religion; that is, they collected taxes for support of the ministry. The last state to give up such an establishment was Massachusetts in 1833; the last state to give up religious tests was New Hampshire in 1876.

The religious provisions of the Constitution caused no controversy until 1940, when the Supreme Court decided that the 14th Amendment (by forbidding deprivation of life, liberty, or prop-

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erty without due process of law) extended the prohibitions of the First Amendment from the federal government to the state governments. Since that time, in a series of cases, the Court has overturned state and municipal laws that could be interpreted (sometimes by a logic unfamiliar to logicians) as establishing religion or prohibiting its free exercise. In reaction, it has been argued that the First Amendment, while prohibiting the establishment of any particular religion, nevertheless allows state support or encouragement of religion in general.

In *The Establishment Clause: Religion and the First Amendment*, Leonard Levy has written a lawyer's brief, informed by a historian's research, to show that the First Amendment, as understood at the time of its adoption, forbade any kind of support for religion. It did not merely forbid an establishment; it forbade laws "respecting an establishment." The only kind of establishment in existence at the time was a non-preferential support of religion in general, and this was what the amendment forbade. James Madison, the author of the amendment, had just succeeded in blocking such a non-preferential religious support statute in Virginia, and had followed that triumph by pushing through the Virginia Statute of Religious Liberty, originally drafted by Jefferson, which was unequivocal in requiring the state to leave religion entirely to the individual conscience. Both Jefferson and Madison, as presidents of the United States, were fussier than today's Supreme Court in avoiding any government involvement in religion, to the point of not wishing to proclaim thanksgiving days or to authorize chaplaincies for the armed forces.

Levy makes his case. If the intent of the Founders is the key to what the people have prescribed, the intent here is about as clear as it is likely to be in anything—which is nevertheless not clear enough to determine beyond reasonable doubt whether a moment of silence is a prayer or whether a public school is a unit of government, and if so whether a moment of silence in a public school is an establishment of religion or whether it deprives anyone of liberty without due process of law. Levy acknowledges the difficulty of drawing clear lines of separation in such cases, but he has a lawyer's certainty about what the Constitution prescribes, and he marshals his historical facts in the forceful manner one has learned to expect from him.

WILLIAM LEE MILLER explores the larger dimensions of the problem in *The First Liberty: Religion and the American Republic*. He begins with the Virginia Statute and the forces that produced it: the concern of Jefferson and Madison with freeing the human mind from every form of coercion and the concern of evangelical Protestants, especially Baptists, with freeing the human soul from every obstacle to eternal salvation. The two forces joined both in the Virginia Statute and in the First Amendment, but they were far from identical in their aims. The Baptists looked toward a Christian republic in which evangelical truth would triumph. Although they wanted to keep religion free from the contaminating hand of the state, their program included compulsory church attendance and other required observances of the Sabbath. Jefferson and Madison were intent on confining religion to a private realm, but the companion measures (never enacted) to Jefferson's statute aimed at substituting secular, republican public education for the role that the church had hitherto played in promoting learning, morality, and good behavior.

Neither the Baptist nor the Jeffersonian vision came to pass. Still, the measure on which they joined forces, the First Amendment, has helped to shape a society in which education has become more and more public and religion more and more private. Nature has imitated art, as the will of the fictional people (with some assistance from the Supreme Court) has molded the contours of public life. But religion, Miller points out, is never entirely a private, personal matter. The religious pluralism protected and fostered by the First Amendment suggests a plurality of groups, of religious communities; and communities have goals that are seldom identical with those of a private individual. The First Amendment itself exhibits an ambiguity in its double prohibition: "No law respecting an establishment of religion, or prohibiting the free exercise thereof." The free exercise of religion does not ordinarily take place in private, and its public exercise involves its adherents in what may look to others like an establishment of it. Because the Supreme Court is available to resolve the ambiguities, it becomes not merely the interpreter of the supreme will of the people, but in effect the creator of that will: an adjourned session of the Constitutional

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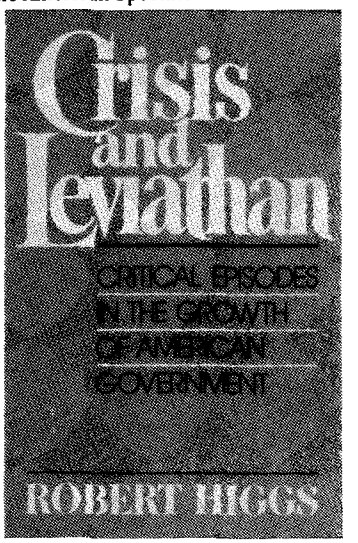

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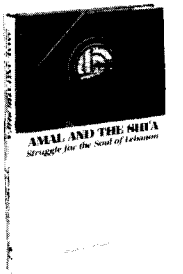

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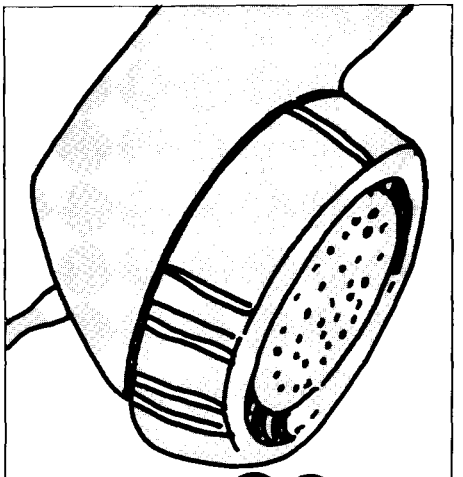

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Convention, as Baker said. By determining what is an establishment and what is not, what is free exercise and what is not, it defines and shapes religion itself.

That such was an intent of the Founders is open to question. But it certainly was their intent to set the limits within which governments, both state and federal, could operate. They foresaw that the courts would be guardians of those limits, and that the limits would have to be determined in unexpected situations. What they could not have foreseen was the veneration of themselves and their work to which all these books attest. The Constitution has proved far more potent than they could have anticipated. It has not merely limited government; it has also guided and formed the minds of the governed, becoming the will of the people more clearly by two centuries of acquiescence than anyone could realistically have claimed it to be in 1787 or 1789.

BEING AND SOMETHINGNESS

Sartre: A Life
by Annie Cohen-Solal

(Pantheon, 608 pp., $24.95)

Annie Cohen-Solal's book opens with the story of a suitcase. In 1960 Jean-Paul Sartre, then in the process of writing *The Words*, the autobiography of his childhood, went on a research trip. He returned to Thiviers, the small town in the southwest of France where his father and his father's family had lived. Perhaps Aunt Hélène, the last surviving relative on that side, would have a key to things. He had not seen her in 30 years. He knocked. Nobody answered. Aunt Hélène had died three months earlier. The following day, back in Paris, Sartre, unperturbed, took up the draft of *The Words* once again.

This trip to Thiviers, both in its precipitousness and in its curious lack of issue, betrays Sartre's ambivalence about his own responsibility for his personal past. (Roquentin, the protagonist of Sartre's *Nausea*, sneers at the burghers who save everything. "The past," he says, "is a luxury for landlords." But he conveniently forgets that in his hotel room, he himself has two trunks full of souvenirs.) Walking to the Thiviers station empty-handed, Sartre would never know that in the deserted house there was indeed a suitcase waiting. He had not even tried to have the door opened. A landlord, after all, needs a caretaker. Why should I do it since others will do it for me? Sartre didn't mix his genres. It's up to biographers to carry the suitcases of the autobiographer.

Cohen-Solal found the suitcase, and she opened it. This is not the only thing that she's opened. Each time that it hasn't been too late and she's been able to find the address, she has knocked on the doors of the elderly, to snatch the last memories of childhood from the shades of oblivion. At her bidding these fragile phantoms, their voices quavering, evoke Jean-Paul Sartre the child, turning over to the journalist their stores of school-time memories. They have been waiting for her for 67 years. They knew that one day they would have to meet their obligation: to bear witness before all of humanity that he was just like everyone else, a child who—to play on the famous concluding sentence of *The Words*—was as good as anyone and whom anyone was as good as.

Sartre made himself dizzy with fantasies about what the life of a Balzac who died before having written a single novel might have been like. But his schoolmates were not worried for him. They knew that this chum who had the discretion not to distinguish himself from them was promised the fame of a biography. Yet their memories are pale, and these desiccated ghosts of Sartre's childhood give to the opening chapters of Cohen-Solal's book the atmosphere of *Citizen Kane*. The "Rosebud" of Citizen Sartre, however, is not painted on a sled and is not to be found in any of the suitcases through which Cohen-Solal rummages. We find it in *The Words*, where Sartre, now a Great Man, complains of having been "poisoned" as a child by a certain book whose aura would inhibit all his future efforts to attain adulthood through commitment and responsible

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writing: *The Childhood of Great Men*, a book whose grip on his imagination was probably too secret and too important for him to share with his schoolmates.

The very concept of the interior life always disgusted Sartre. He never referred to it except in sarcastic tones. Once Roquentin begins to work on his diary, this new intimacy with himself makes him nauseous. Consciousness, Sartre repeats, has no interior; to exist means to be outside. He loathed intimate books. The Sartrean memory has nothing about it that is called up by the German word *Erinnerung*—that is, memory as interiorization. Instead it evokes more of the open house, a public place where so many people have had their word to say that it is difficult, today, to sort out autobiography from biography. Sartre wrote a book of memories not to relive his past, but to liquidate it. Sartre wanted fame to gain a single privilege: to be able to unload his past and his memories onto someone else's shoulders. The only way to redeem his life was to find someone who would take care of it for him.

(PHOTO BY WILLIAM LEFTWICH/TIME MAGAZINE)

Philippe Lejeune has shown how the Sartrean autobiography was sired through contact with the media. For Sartre the microphone was what the madeleine and the cup of tea were for Proust. The interview was not only the conduit, it was the atmosphere proper to the blossoming of memory as well. The space of the press conference was necessary for Sartre to be able to remember. This, in any event, is the thesis according to which Cohen-Solal organizes her biography.

"All you have to do," Sartre wrote in 1938, "is to narrate a life in the style of American journalism and the life becomes a social text." The most touching pages of this biography are those in which Sartre, in 1945 and 1946, encounters American journalism and becomes a social text. Sartre himself (whom Camus had sent to New York in the capacity of journalist) is the writer who, in France, elevated journalism to full citizenship in the domain of letters. But here Cohen-Solal reverses the proposition. It is through Sartre, she tells us, that French literature achieved the status of a media event. It is by means of the press that Sartre was introduced to Sartre and made contact with himself. And since journalism is American, it is in New York that Cohen-Solal, as well, makes contact with him.

Cohen-Solal is not an indiscreet biographer. It is clear that she prefers her subject when he isn't writing. She lets him work in peace, without spying on him, without trying to push her way into his study. But she is confident. She knows that sooner or later he will have to leave his desk, leave his books. And if she likes him so much in New York, it's because she can get to see him there. He has stopped writing. During these several weeks he is happy being famous, and in love.

The crowd massed along the shores of the East River to welcome Dickens was the first image of fame that haunted Sartre. The welcome that New York reserved for him suggested a fame both stranger and purer. Since "few of Sartre's works had yet been translated," that welcome crowned a writer whom almost no one had read. At Carnegie Hall, he gave a lecture in French before an audience that hardly understood him. But never mind, "since it was Sartre people had come to discover and appreciate, not his lecture." More: "What the American public noticed was something that no text could have conveyed: his human warmth, his humor, his capacity for contact." By her own warmth, but also by a curious distance from his work, Cohen-Solal's interest in Sartre resembles, in many ways, the interest that New York displayed for him.

Sartre was profoundly alive to the problems inherent in the biographical genre. (This is explained in Douglas Collins's *Sartre as Biographer*.) In *Nausea*, it is in order to write a biography (not of a "scholar," as Cohen-Solal tells us, but of an 18th-century adventurer, the Marquis de Rollebon) that Roquentin goes to live in Bouville—until the day when, in the library of this provincial town, a sudden revelation makes him see the vanity of the biographical project. He abandons his notecards and leaves Bouville. He has discovered that biography is an impossible genre; it accumulates around its subject eyewitness accounts that, he says, "don't contradict each other, no, but they don't agree with each other either." And he has discovered too that it is not by writing the life of another that a man finds his salvation. "A dead man can never justify the living." For the biographer, biography is not a redeeming genre.

Roquentin's problems, however, did not stop Sartre from writing about the dead. In particular, he wrote a study of Baudelaire that caused a scandal in its day: he dared to pass judgment on a poet without taking the work into account. To show that Baudelaire had the life he

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deserved, Sartre examined the letters, the diaries, the reports of others. Yes, *Les Fleurs du mal* was consulted, but merely as one document among all the others making up the existential dossier. The study of Baudelaire reversed Roquentin's proposition. Even though for him no dead man would be able to justify a living one, here it is the living (Sartre) who is incapable of redeeming the dead (Baudelaire). The concept of "original choice," which is at the center of Sartre's theory of freedom, implies that all men freely choose what will be their destinies. In his *Baudelaire*, Sartre tracks back to the choice that the poet freely took for his life and for himself, to find how he made for himself the life he deserved.

Cohen-Solal's book is the oddly unproblematic biography of this author who considered biography to be the most problematic of the genres. It escapes both the scruples of Roquentin and the ambitions of Sartre, in its modesty and its directness. She follows the life of her subject without asking whether he has either chosen it or deserved it. And when the eyewitness accounts that she reports aren't in accord with one another, she doesn't try to impose a factitious unity on them. She doesn't explain the work by means of the life. She doesn't even try to explain the life. She tells it. She is neither intrusive nor possessive. Still, if she never exceeds the limits given by her subtitle (*A Life*), this is not through ignorance of the work, but from respect for it: she, after all, knows herself not to be a critic. Sartre's books, their working out, their publication, their reception are referred to when necessary, but always in the background, during intermission. The summaries of his doctrines, his aesthetic arguments, are reduced to a minimum. And when she quotes, it is what has been said (by Sartre himself or someone else, if possible in the course of interviews) rather than what has been written.

It is a law of biography that it attaches itself to the life in preference to the work. But never does Cohen-Solal imply that Sartre, mirroring his biographer, had chosen life over his work. He did everything he could to avoid choice, to prevent his work from detaching him from life. Such is the main purpose of his theory of literary engagement. Sartre's first works on the subject of the imagination already denounced the threat of depersonalization implied in a literature of evasion, in an aestheticism that would turn its back on life. He chose literature, but only in demanding of it that it take its measure from life.

For Sartre, the engaged writer does not dream. He acts. His words, like his silences, produce effects for which he is responsible. No more play. After his wartime internment, in 1941, Sartre solemnly announced to Simone de Beauvoir that he was going "*to act*." His students of the time still remember the lectures in which he analyzed the difference between "gesture" and "action." And in 1943 he has Orestes, the hero of *The Flies*, boast, "I've done my deed, Electra, and that deed was good."

But *The Flies* is a play, and the seriousness of Orestes' "action" and commitment is strangely undermined by the actor's playacting itself. The same ambiguity poisoned Sartre's discovery of "the real," represented to him by the experience of the Second World War. In 1974 he described to de Beauvoir the emotion that made him realize that the war had abruptly stopped being phony, which made him decide that it was time to act. "I remember the strange feeling I had of a film, the feeling that I was acting in a scene in a film and that it was not true." It is correct to say that Sartre, in order to be able to engage himself in the real, spent his life looking for a certain criterion for telling it apart from the imaginary, but it is no less correct that he always confused them.

COHEN-SOLAL'S biography has a leitmotiv. During the Resistance: "He is with them, yet elsewhere." After the Liberation, during a meeting of the National Committee of Writers: "He is elsewhere, in the future." Where was he in 1947? "Elsewhere of course, in his favorite place, in the company of great men." The more engaged he is, the less he is there. "Already, Sartre had escaped. He had escaped to a place where no one, not even those closest to him, could enter." He who condemned so severely any form of escapism was always escaping. The rioting students of May '68 prompted a scene whose baroque grandiosity recalls the endings of Mel Brooks's films. The world, once again, becomes a stage. And the fundamental choice of Sartre, who based his work (and the difference between it and his life) on the possibility of distinguishing the real from the unreal, was submitted to a hard test.

This test began in the streets, where the Parisian students refused to distinguish the real from the imaginary. They wrote on the walls, "The imaginary is real." And they yelled, "Take your dreams for reality." But Sartre, the engaged writer, did not hear these slogans about giving power to the imagination. He was too far away. These cries were blocked out by another voice, quite close, that he finally consented to hear, one that whispered to him exactly the same thing. He didn't hear them, but he was with them—elsewhere—terminally involved with Flaubert, an author who is strangely classified as a realist when he had chosen the unreal. "Sartre's connection with the student riots of May 1968 is an invention of the press, pure illusion. At that moment, Sartre is elsewhere, back in 1831 . . . he is with Flaubert." The war served to frame revolutionary engagement; May '68 was the moment of revolutionary disengagement for Sartre.

No doubt it is a virtue of Cohen-Solal's biography to keep reminding us at all the important historical turning points that Sartre's real place is elsewhere. Its shortcomings, however, derive from this very admission, since Sartre's elsewhere is to be found in what he wrote. And to enter it, opening the suitcases in Thiviers is not enough; we must open the books that after all make up one of the major bodies of literary and

MODERNISM

That is not my country, though I speak
As a ghost now. There forever means
Forever, and there is no need for dignity
Among the souls in the long processional
Blurring into sky. Still, even at the fit
End of pain toward which they rode, madly,
Maudits, on fast horses, in fast cars,
Or unwillingly by the boxcarful,
They turn to one another with what's left:
A single perfect note held unwaveringly.
That is the eternity they believed in.
Their condition is the music of souls
Stretching now and forever like the thin skin
Of embarrassment they wear for absent bodies
Cast off in another country left behind.

PENELOPE AUSTIN

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philosophical work of our century.

An early entry in Barthes's *Mythologies* concerns the type of "candid" or informal photograph of actors taken when they are off stage, supposedly immersed in routines of daily life. This kind of image apparently exchanges the stage for the real world, but in fact it raises the stakes of irreality. What the professionals of illusion acquire in these new settings is simply an aura of deprofessionalized illusion. Perhaps they had to play roles that demanded them to inhabit faces of ugliness or of age. These photographs restore to them "an ideal face, cleansed (as at the launderers) of the improprieties of their profession. Paradoxical condition: it's the stage that becomes reality, and life is what is myth, dream, fantasy."

The episode of Sartre's New York triumph is dominated by a photograph of this very type. It appeared in *Time* on January 26, 1946, credited to William Leftwich. Ugliness, as is well known, is the major characteristic of Sartre's own iconographic legend. But from this curiously glamorous image, ugliness had vanished. "By what strange miracle," wonders Cohen-Solal, "had the eye of an American photographer been able to find the right angle to draw out of Sartre's face the portrait of a classically sensuous face?" It is a bewilderment not unlike that experienced from time to time by the reader of this biography, from which Sartre emerges, like Barthes's actor, cleansed of the improprieties of his profession, paradoxically all the more unreal for his being depicted exclusively in "real life."

DENIS HOLLIER

Denis Hollier is professor of French at Yale University and the author of *The Politics of Prose: Essay on Sartre* (University of Minnesota Press).

ANCIENT EVENINGS

A History of Private Life
Volume One: From Pagan Rome to Byzantium
edited by Paul Veyne
translated by Arthur Goldhammer

(Harvard University Press, 670 pp., $29.50)

In a sumptuous volume, complete with a sheaf of color plates, Harvard University Press has laid before an English readership a generous sampler of the delectable fruits of *Annales* historiography. This is the first in a series of books organized by Georges Duby and the late Philippe Ariès on the general theme of private life in Western civilization. Represented here are several French scholars who have been closely associated with the now rather old-fashioned *Annales* approach to the ancient and Byzantine worlds (notably Paul Veyne and Evelyne Patlagean), as well as one Anglophone historian, Peter Brown, who has been temporarily adopted for the occasion. Veyne, who is the editor of this first volume in the series, establishes the rapturous and breathless style of the work in his introductory remarks. He writes, "If friendship and grief have claims on us, let me dedicate the pages that follow to the memory of Michel Foucault, so towering a man that with him I felt the pleasure of living beside a mountain." This dedication may help to explain why a book that is nominally about private life seems to be concerned much of the time with private parts.

In a foreword to the series, Duby tells us, after several rhetorical questions that are a trademark of the style of this school, that we have no need of another history of daily life. By this he presumably means that we no longer need studies of pots, pans, markets, and latrines. Jérôme Carcopino's *Daily Life in Ancient Rome*, which first appeared in 1939, obviously no longer speaks to the modern age. Now historians are to look closely, or as best they can, at intimate sexual and personal relations across the mandatory *longue durée* of *Annales* historiography. So, according to Duby, we must look closely into what he calls a "clearly defined realm" of a private zone of immunity into which persons in the past

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retreated without "the ostentatious carapace worn for protection in the outside world." This is supposed to be the place where the family thrives, the realm of domesticity. It is also, titillatingly, "a realm of secrecy."

All this seems very promising. The *Annales* historians have taught the rest of us in recent decades to look unblinkingly into those dark corners from which it had been customary to avert our gaze. The French historians of Duby's school have marked out public and private space, secular and sacred space, in an allusive and dithyrambic style that has conferred upon the bedroom the mystification of Eleusis. Once the space within which men and women of the past have lived is perceived as consisting somehow of discrete areas with different rules and different auras, the historian can proceed to examine them with an apparently scientific precision.

The scholars represented in this volume, covering the very long time from the beginning of the Roman Empire to the 11th century, are serious and distinguished writers. Their treatment of sex, family, slavery, domesticity, and piety must be accounted an important contribution to these relatively new fields of historical investigation. Still, even as the book appears to propose a summation of the *Annales* interpretation of private life, the integrity of its various authors wrecks the basic presuppositions of the whole work. Again and again the line of demarcation between public and private is effectively annihilated.

Paul Veyne devotes a substantial part of his chapter to an unassailable demonstration that through the enhancement of private values and prestige many aspects of public life in the Roman Empire were in fact a part of private life. Evelyne Patlagean, discussing the Byzantine age, feels obliged to point out that space that should have been private was often public and accessible to outsiders. And the dichotomy between secular and sacred space begins to dissolve under the warm, not to say passionate, analysis of the early Middle Ages in the West given by Michel Rouche. The headings to the subsections of his chapter tell the story well enough: we move from "Private Life Conquers State and Society" (does public life have any meaning at all after such an assertion?) to "Body and Heart," "Violence and Death," and finally "Sacred and Secret." In short, the present *Annales* historians seem to be carrying their analysis all the way to the point at which they undermine the very tenets of the historiography they are trying to write.

THE SAME KIND of involuntary self-criticism of the whole methodology can be seen in the way each of the authors tries to expound the nature of sexuality. The hovering spirit of Foucault may account for the emphasis given to this theme, but not for the alarmingly anecdotal way in which it is presented. Veyne in particular is given to parading salacious items from sources that hardly lend themselves to generalization. There is an almost willful attempt to depict the Romans as curious and strange. Veyne, and occasionally his colleagues in this enterprise, treat the Romans as if they were exotic animals at the zoo. Now, the Romans certainly were unlike us, but they were not an empire of oddballs. These historians often have the wondering tone of Western orientalizing scholarship on the Middle East, but the ancient Romans are unfortunately no longer around to protest. Even if Martial and the elder Seneca make reference to sodomy as a tactful way of avoiding defloration on the first night of marriage, it is certainly wrong to cite Plautus's comedy, the *Casina*, as a confirmation of what they say, and then to conclude that this was customary practice among the Romans.

When he turns to slavery in the Roman Empire, Veyne goes so far as to declare that "ancient slavery is a subject for Jean Genet." He might be right if he could prove that slaves stood outside the bedroom of their master and mistress and regularly masturbated while the couple made love. But Veyne has conjured up this scenario from a passing reference in an epigram of Martial, in which the Phrygian slaves of Andromache are described as satisfying themselves in this way. The same poem goes on to say that Gracchus, Pompey, and Brutus all buggered their wives. The failure to appreciate the license and character of literary genres is a grave impediment to the writing of serious social history. Nobody would ever think of drawing inferences about private life in the 18th and 19th centuries from Aubrey Beardsley's illustration for *The Rape of the Lock*, in which a courtier is shown behaving like the slaves of Andromache.

THE BEST CHAPTER in this English edition of Veyne's volume is Peter Brown's. It is written in the elegant and evocative style that readers of contemporary historiography have come to appreciate in Brown's work. After the rhetoric of wonderment that permeates the writing of the French contributors (admirably rendered by Arthur Goldhammer), Brown's more reflective prose comes as a welcome respite. But the principal merit of this chapter is that it addresses genuinely important historical problems: the gradual shift from ancient urban life to communities that were centered on the Christian church—in other words, a change from one kind of public community to another—together with the concomitant changes in individual and family life. Brown's treatment of the influence of Christian piety on rural culture and the family in late antiquity makes one wish for more. And there is much more to be done, as demonstrated by Brent Shaw in a recent issue of *Past and Present*, in an essay on the family in late antiquity as it emerges in the writings of St. Augustine.

Shaw and two other Anglophone colleagues, Richard Saller and Peter Garnsey (who, like him, were trained in the Cambridge tradition of Moses Finley), represent a very different approach to the social history of the Roman and early Byzantine worlds. Saller and Garnsey's new book, *The Roman Empire*, serves, together with Shaw's article, as an effective antidote to the *Annales* way of writing history. The work of these

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three young historians is much more solidly grounded in demographic analysis and current sociological techniques. They are not distracted by the attempt to segregate public and private, secular and sacred; instead, they recognize from the start the constant blurring of these categories in ancient life.

This first volume of *A History of Private Life* is a kind of initiation into an imagined world of alien behavior, exotic rites, and secret places. The contributions, different as they are (one is exclusively confined, for no obvious reason, to domestic architecture in North Africa), all have an immediacy and an excitement that are characteristic of the French school from which they come. But the reader finds himself taking on the mentality of a voyeur. In the end it is still not clear what held families together, or even (as Shaw has emphasized) what constituted a family for a Roman in the first place. Sexual anxiety and activity were an important part of private life in antiquity and afterward. But it cannot be adequately inferred and interpreted through anecdotes, any more than it can today. Moreover, most people do not engage in sex all day long, even though they do have a private life throughout their waking (and even sleeping) hours. It is an odd and instructive paradox that these *Annales* historians have inadvertently demonstrated that there is much more to private life than the "private life" they originally had in mind.

G. W. BOWERSOCK

G. W. Bowersock is a member of the Institute for Advanced Study in Princeton and the author most recently of *Roman Arabia* (Harvard University Press).

THE UNTOUCHABLES

Behind the Front Page: A Candid Look at How the News is Made by David S. Broder

(Simon and Schuster, 393 pp., $18.95)

David Broder's notion of good political reporting is an avowedly traditional one. His book defends "those old-fashioned journalistic values—getting to a story early and reporting it independently and well." Much depends, of course, on what he means by that rather vague adverb "well." Broder elucidates his conception by negative example. Rather than offer instances of good political reporting, he devotes most of this book to discussing bad journalism. *Behind the Front Page* is a compendium of journalistic folly, an analysis of how the press sometimes betrays its responsibility to the public.

Far from shirking blame himself, Broder beats his breast long and hard. Covering the 1972 New Hampshire primary, he reported, perhaps erroneously, that Edmund Muskie wept at a rally in front of the offices of the *Manchester Union Leader*. Broder and the other reporters tailing Muskie knew that the candidate was functioning under great strain. They were waiting for him to crack. What they didn't realize was that Muskie was a victim of Nixonian subterfuge: the letter to the editor that sparked his breakdown was a fake planted by the dirty tricksters. By supplying the wrong context to the incident, journalists unwittingly did the work of Nixon's henchmen. To put it in Broder's unfortunate prose:

> All of us suspected that under the calm, placid, reflective face that Muskie liked to show the world, there was a volcano waiting to erupt. And so we treated Manchester as a political Mt. St. Helen's explosion, and, in our perception, an event that would permanently alter the shape of Mt. Muskie.

From his meditations on such miscalculations Broder gleans somewhat obvious lessons. From the Muskie mistake he learns that "even the simplest, most dramatic, and seemingly obvious stories are subject to distortion." Excessive credulity and excessive cynicism are both dangerous. Broder castigates James Reston and the late Steward Alsop, among others, for falling for the recurrent hype about a "new" Nixon. As he points out, Nixon remaining his same old slimy self doesn't make splashy copy.

Since the early 1970s, the glamorization of investigative reporting has led to another sort of abuse. The *Washington Post*, where Broder has been a political reporter since 1966, competed vigorously with the now-defunct *Washington Star* on the story of Billy Carter's Libyan dealings in 1980. In retrospect, however, "Billygate" was a minor story, hugely overblown by reporters high on Watergate dust. Based on this and other excesses of investigative zeal, Broder recommends that the press not view itself as an adversary of government, but as its critic.

By "critic" Broder does not mean the rendering of judgment about another's performance. He seems instead to refer to the supplying of context and background to events in addition to recording them. But this is still rather a safe and a limited role for journalists. The problem with "Billygate" was not that the press functioned in an adversarial way, but that it refused to take no story for an answer. Newspaper editors would have been remiss not to send their best reporters to find out whether Qaddafi influenced a president through his brother. Their error was to insist on page-one stories even after those reporters came back with empty notebooks. What if the Watergate trail had not led to Nixon? Had their story proved baseless, Woodward and Bernstein would have been castigated for irresponsibility and sensationalism.

Since Watergate, journalists have lacked a clear definition of their ethical obligations. Any pundit worth his salt can reel off distinctions about what is and is not proper professional behavior for reporters. But when such rules of thumb are tested, as they have been by Gary Hart, most are revealed to be nonsensical and unjustified. Two months ago you could have heard many more reporters argue that the sex lives of politicians are nobody's business. The journalistic code of conduct remains unwritten for a very good reason: it changes every three weeks.

It should be said for Broder that his cautions hold up better than most of what passes for "journalistic ethics." Although Hart's downfall happened too late for his book, Broder's Muskie rule applies admirably. In both cases, reporters unfairly attached all of their opinions about a candidate's "character" to a single incident. And although the evidence was too scanty in both instances to support a general indictment, the Hart

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and Muskie campaigns were irreparably harmed.

That's not to say that Broder is always right on ethics calls. Considering *Post* reporter Milton Coleman, who disclosed Jesse Jackson's "Hymietown" remarks, Broder praises his colleague's courage, but faults him for not having a clear understanding with Jackson about when the candidate was speaking off the record. Like most journalists, Broder tends to make a fetish of the conventions of attribution, confusing "journalistic ethics" with the real kind.

There is nothing holy about a reporter's relationship with a source. If anything, it is a Faustian bargain, in which a potential wrongdoer receives immunity from publicity in exchange for information. The justification for this practice is the same as that for legal immunity: a partial story is better than none at all. But protecting Jackson didn't net any bigger fish. So why should reporters help to conceal his bigotry? In practice, Washington journalists know that violating the unwritten code, as Coleman did, will result in losing their sources. So they claim that relationship with a source includes an implicit pledge of protection. But no reporter should ever promise to conceal the indiscretions of politicians. Coleman was completely correct to denounce Jackson's anti-Semitism, even though the slurs he heard were obviously not intended for attribution. He kept in mind what Broder notes elsewhere: that his primary responsibility was not to politicians, but to readers.

Generally Broder demonstrates a healthy distaste for coziness between writers and their subjects. Noting that reporters now "have incomes, educations, and influence that put them on par with the men and women they cover," he cautions his junior colleagues against "clique journalism," which often turns into the kind of toadying that characterized Walter Lippmann's career. He portrays George Will, who has sacrificed professional integrity for friendship with the Reagans, as the heir to Lippmann's mantle of sycophancy. "Will has worked vigorously to erase the inhibitions many of us think go with our jobs." Broder, by contrast, protects himself by avoiding the Georgetown circuit; he's proud of once walking out on Henry Kissinger when the secretary of state tried to prod him informally about an unfavorable column.

Broder's harsh words about insiderdom are valuable. Still, he can't step far enough outside it to explain how the Washington press corps actually functions. Timothy Crouse's *The Boys on the Bus*, although somewhat dated, remains a far better portrait of what reporters are like, and how they and politicians manipulate each other, than anything written since. Crouse's book was as vivid as Broder's is bland. As a boy who has to get back on the bus every four years, Broder is constrained, in the way a *Rolling Stone* reporter like Crouse wasn't, from blowing the lid on the whole business. Broder's single bow to the new journalism, and to a more candid portrait of how reporters really do their job, is his description of a "rather drunken" dinner at which *Post* reporters and editors planned their coverage of the 1980 Republican convention.

Indeed, when he does try to examine the press as an institution, Broder begins to sound like its apologist. Convinced that his own admirable evenhandedness is the norm, he dismisses charges of bias as implausible. Surely Broder is right to denounce the spurious sociology that tries to prove that the press must be slanted to the left because reporters are liberal. Yet he fails to provide a satisfactory account of why certain politicians receive better coverage than others. Granted, most journalists aren't ideologues, but stories may be distorted for reasons other than a reporter's opinions.

IN THE LAST analysis, Broder doesn't think there's anything wrong with the Washington press corps that more skill and higher standards won't solve. And indeed, if reporters were all as able as he is, we would have impressive political coverage in all our newspapers. What we would still lack, however, is good writing about whether government is serving us well. The problem is not that our horse-race journalism isn't good enough. It's that both horse-race journalism and scandal-mongering conspire to distract the best journalists from evaluating the substance of programs and institutions. Reporters should have been scrutinizing NASA long before the Challenger exploded, and probing the origins of the *contras'* mysteriously ample resources long before the scandal erupted. But analysis isn't a story. Most newspapers don't find space for this kind of inquiry until melodrama strikes.

Like many of his colleagues, Broder is uncomfortable with any journalism that smacks of advocacy. His objection to "The McLaughlin Group" is that the reporters and the commentators who appear on the program offer "value judgments." That misses the point. The problem with most television punditry, with pack journalism and clique journalism, is not its lack of objectivity, but its narrow horizon, its shrunken conception of what constitutes news. Such journalism lacks range, imagination, intellectual ambition, freedom from fashion and from the passing obsessions of the ever-expanding political herd. In the end, Broder's book, too, seems like the work of a political junkie, though a careful and diligent one.

JACOB WEISBERG

Jacob Weisberg, a former TNR reporter-researcher, is an intern at *Newsweek*.

CORRESPONDENCE, *from page 6*

analysis makes the U.S. sub fleet sound invincible, as long as there is no war.

PATRICK TYLER
Cairo, Egypt

Robert English replies:
Of course submarines make more noise at higher speeds, but the quieter boat (relative to the adversary) still has the edge. At higher speeds, the sound differential between U.S. and Soviet subs actually grows *larger*. Tyler's statement "Stealth disappears in wartime" is nonsense, and confirms my argument that he has little idea of how submarines actually operate. His sources may be "among the best minds," but apparently he did not always understand what they told him. His mistakes seem to result from an overreliance on sources with such an ax to grind against Admiral Rickover that they overshadow the fact that he built the world's best attack submarines.

TWITTING VANNA

To the editors:
Stop the presses: Vanna's an airhead. And a pretty well-paid airhead, too, which one suspects is the chiefest prick to Margo Howard's patently prickly sensibilities ("A S—ar Is B—rn," May 18). Has a respected journal of opinion nothing better to do in these perilous days than to waste precious tree-stuff on weakly twitting one of the more innocuous icons of the flyover folk? And ('fess up, now) which came first—the headline or the piece?

KEVIN MCFOY DUNN
Decatur, Georgia

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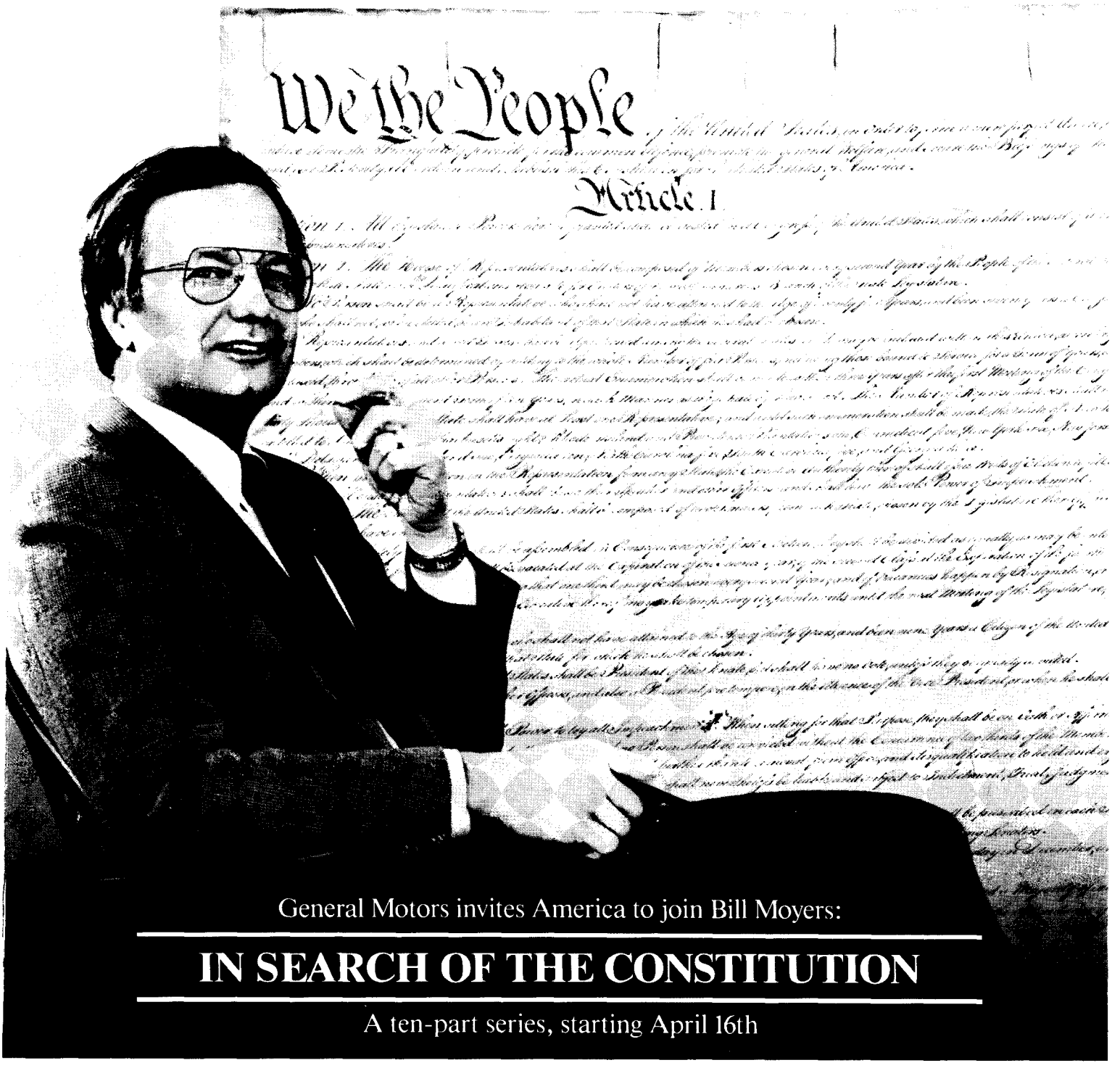

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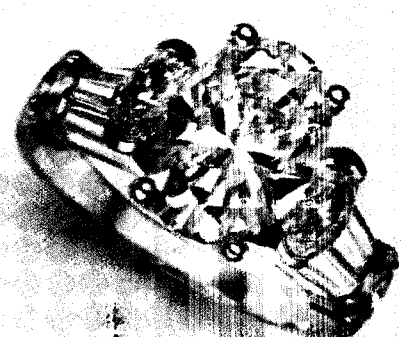

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